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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14  
15 **BRICE GLASGOW,**

Petitioner,

16  
17 v.

18 **BEN CURRY, Warden,**

Respondent.

C 07-1851 MJJ

**ANSWER TO THE ORDER  
TO SHOW CAUSE;  
MEMORANDUM OF POINTS  
AND AUTHORITIES**

Judge: The Honorable  
Martin Jenkins

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20  
21 **INTRODUCTION**

22 Petitioner Brice Glasgow is a California state inmate incarcerated at the Correctional  
23 Training Facility in Soledad, California, proceeding pro se in this habeas corpus action.  
24 Petitioner alleges in his petition that the Board of Parole Hearings unconstitutionally denied him  
25 parole at his November 2005 parole consideration hearing. This Court found cognizable  
26 Petitioner's claims that this parole denial was "not based on at least 'some' evidence bearing any  
27 indicia of reliability." (Order to Show Cause, filed July 25, 2007, at 2.) Respondent Warden  
28 Ben Curry answers as follows:

**ANSWER TO THE ORDER TO SHOW CAUSE**

In response to the Petition for Writ of Habeas Corpus and this Court's July 25, 2007 Order to Show Cause, Respondent admits, denies, and alleges the following:

1. Petitioner is lawfully in the custody of the California Department of Corrections and Rehabilitation following his 1981 convictions of first-degree murder, assault with a deadly weapon, and use of a firearm in the commission of a felony. (Ex. 1, Abstracts of Judgment; Ex. 2, Nov. 2, 2005 Subsequent Parole Consideration Hr'g Tr., at 1.) He is currently serving an indeterminate sentence of twenty-five years to life. (*Id.*) Petitioner does not challenge his underlying conviction in the current proceeding.

2. Petitioner's murder offense occurred on March 4, 1980, when he shot Ralph Collins several times inside the apartment of his niece, Patricia Watts, killing Collins and wounding his niece in the back as she attempted to protect Collins. According to Watts' testimony at Petitioner's criminal trial, the incident began at approximately 5:00 a.m., when Petitioner knocked at her apartment door. Watts told Petitioner that she would not open the door at that time and returned to bed until the morning. When Petitioner returned, she allowed him to enter her apartment, after which he sat in the living room for approximately ten minutes playing with Watts' daughter. While Watts was in another room, she heard a knock at the back door and, when she approached, saw Petitioner letting another man, Edmond Duhart, in through the door. When Watts observed that Petitioner had a gun in his hand, she ran to the bedroom and attempted to wake up Collins as Petitioner pushed his way into the bedroom. As Petitioner attempted to shoot Collins, Watts struggled with Petitioner and was also shot. During this struggle, Petitioner called for Duhart to come into the room and remove Watts. Duhart then attempted to pull Watts away from Collins, while Petitioner continued to shoot at Collins, firing several more shots. Duhart subsequently left the apartment and Petitioner also fled the scene.

When police officers arrived, they observed that Collins was lying on the bedroom floor and had been shot several times—three times in the back and twice in the back of the head. The police could not detect any of Collins' vital signs. The police also observed that Watts had suffered a gunshot wound to her back. (Ex. 2 at 11-13, 17; Ex. 3, Probation Officer's Report, at

1 2-3; Ex. 4, July 2004 Life Prisoner Evaluation Report [Board Report], at 1; Ex. 5, Feb. 2003  
2 Board Report, at 1-2.)

3 3. Petitioner has admitted to shooting Collins, but claimed that Collins had approached  
4 him with something in his hand that Petitioner believed was "maybe" a gun. Petitioner also  
5 stated that he had not known Collins was in his niece's apartment when he arrived and that  
6 Collins only "occasionally stayed together" with Watts in her apartment. When asked how many  
7 times he had shot Collins, Petitioner replied, "I don't know nothin about nothin," and also stated  
8 that he did not remember how his niece Watts had been shot. (Ex. 2 at 14-16; Ex. 5 at 1-2.)

9 4. On November 2, 2005, Petitioner attended a subsequent parole hearing, at which time  
10 the Board found he was unsuitable for parole and would "pose an unreasonable risk of danger to  
11 society or a threat to public safety is released from prison." (Ex. 2 at 65.) The Board's decision  
12 was based on several grounds. (*Id.* at 65-69.) First, the Board considered the circumstances of  
13 Petitioner's commitment offense, finding that while it could not determine whether or not  
14 Petitioner was telling the truth in his version of the offense, the Board was also unable to  
15 "reconcile the facts of the crime with [Petitioner's] accounts." The Board found that the murder  
16 had been carried out in a manner that was "especially cruel and callous" given that Petitioner had  
17 shot Collins three times in the back and twice in the back of the head, and had also shot his niece  
18 Watts once in the back. Based on these facts, the Board found that Petitioner had attacked  
19 multiple victims in the same incident. The Board also found that the motive for the murder could  
20 either be "explicable or very trivial" depending on whether Petitioner's decision to shoot Collins  
21 had "intentional motives" or if it was the result of an altercation as Petitioner indicated in his  
22 statement. Finally, the Board considered the fact that Petitioner had fled the scene and that there  
23 was no indication that he knew whether Collins was dead at that time. (Ex. 2 at 65-66.)

24 Second, the Board also considered Petitioner's vast criminal history, which the Board found  
25 reflected an "escalated pattern of criminal conduct and violence" as well as "a history of unstable  
26 relationships with others." These findings were based on Petitioner having been arrested eighty-  
27 two times for various crimes, including battery, illegal weapon, burglary, conspiracy, and forgery.  
28 In addition, the Board found that Petitioner had "failed to profit" from society's previous

1 attempts to correct his criminality, which included a juvenile commitment, parole, and probation.  
 2 Further, during the hearing Petitioner stated that his twenty-three-year heroine addiction and a  
 3 "rebellious" nature toward authority contributed toward his criminal conduct. (Ex. 2 at 18-22,  
 4 66-67; Ex. 3 at 5; Ex. 5 at 3-7; Ex. 6, Cal. Bureau of Identification records re criminal history.)

5 Third, although the Board found the 2004 psychological report was favorable, the Board  
 6 also determined it did not "delve into [Petitioner's] prior criminal history and the heroine use as  
 7 it relates to the crime." The Board stated that Petitioner might be able to further reconcile some  
 8 of the issues the Board was concerned about if he had discussions with a therapist or  
 9 psychologist. Thus, the Board found that Petitioner needed further therapy and that until  
 10 progress was made, Petitioner "may be unpredictable and a threat to others." (Ex. 2 at 67-68; Ex.  
 11 7, Dec. 1, 2004 Mental Health Evaluation.)

12 Fourth, the Board considered the opposition to parole from the Palo Alto Police Department  
 13 and the Santa Clara County District Attorney's Office. (Ex. 2 at 29-32, 54-58, 68.)

14 5. The Board also considered the circumstances tending to support Petitioner's parole at  
 15 the November 2005 hearing, commending Petitioner on his programming while in prison, his  
 16 lack of a recent disciplinary history, adequate parole plans, and that the December 2004  
 17 psychological report was favorable. The Board determined, however, that the "positive aspects  
 18 of [Petitioner's] behavior [did] not outweigh the factors of unsuitability." (Ex. 2 at 67-69.)

19 6. On September 13, 2006, the Santa Clara County Superior Court denied Petitioner's  
 20 habeas corpus petition in which Petitioner appears to have alleged the same causes of action as  
 21 found cognizable in his federal Petition. The superior court found that "[p]ursuant to *In re*  
 22 *Dannenberg* (2005) 34 Cal.4th 1061[,], parole can be denied if any one of several broadly  
 23 interpreted and extremely deferentially reviewed, unsuitability factors are present. In this case  
 24 'multiple victims were attacked, injured or killed.'"<sup>1/</sup> (Exs. 8-9.)

25 7. On January 25, 2007, the California Court of Appeal summarily denied Petitioner's  
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27 1. The quoted language is taken directly from the illustrative criteria in the Board's  
 28 regulations regarding one circumstance of a commitment offense that indicates the crime was  
 especially heinous, atrocious, or cruel. Cal. Code Regs. tit. 15, § 2402(c)(1)(A).

1 habeas corpus petition, in which he alleged the same causes of action as found cognizable in his  
2 federal Petition. (Exs. 10-11.)

3 8. On April 25, 2007, the California Supreme Court summarily denied Petitioner's  
4 petition for review, in which he alleged the same causes of action as found cognizable in his  
5 federal Petition. (Exs. 12-13.) Hence, Respondent admits that Petitioner has exhausted his state  
6 court remedies in regard to the issues currently before this Court. However, Respondent does not  
7 admit that Petitioner has exhausted his claims to the extent that they are more broadly interpreted  
8 to encompass any systematic issues beyond this particular review of the November 2005 parole  
9 denial.

10 9. Respondent denies that Petitioner has shown that the state court's denial of  
11 habeas corpus was contrary to, or involved an unreasonable application of, clearly established  
12 Supreme Court law, or that the denial was based on an unreasonable determination of facts in  
13 light of the evidence presented. Petitioner therefore fails to make a case for relief under the  
14 Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA).

15 10. Respondent denies that Petitioner has a federally protected liberty interest in parole.  
16 *Greenholtz v. Inmates of Neb. Pen. & Corr. Complex*, 442 U.S. 1 (1979); *Dannenberg*, 34 Cal.  
17 4th at 1087-88 (clarifying that under California Penal Code section 3041, the setting of a parole  
18 release date is neither mandatory nor presumed); *Sandin v. Conner*, 515 U.S. 472, 484 (1995);  
19 *contra Sass v. Cal. Bd. of Prison Terms*, 461 F.3d 1123, 1128 (9th Cir. 2006). Accordingly,  
20 because Petitioner is not in custody in violation of federal law, he has not alleged a federal  
21 question and this Court does not have subject matter jurisdiction to decide his petition. 28  
22 U.S.C. § 2254(a).

23 11. Respondent affirmatively alleges that even if Petitioner has a federally protected liberty  
24 interest in parole, Petitioner had an opportunity to present his case before the Board at his 2005  
25 parole hearing, and that the Board provided him with a detailed explanation as to why he was  
26 denied parole. Hence, Petitioner received all the process due under *Greenholtz*, the only clearly  
27 established Supreme Court law regarding the due process rights of inmates at parole  
28 consideration hearings.

1       12. Respondent affirmatively alleges that there is no United States Supreme Court decision  
2 requiring a state parole decision to be supported by some evidence. *See Carey v. Musladin*, \_\_  
3 U.S. \_\_, 127 S. Ct. 649, 654 (2006) (holding that the absence of Supreme Court law on a  
4 particular issue precludes habeas relief under AEDPA). Thus, Petitioner has not shown that the  
5 state court's denial of habeas corpus was contrary to, or involved an unreasonable application of,  
6 clearly established Supreme Court law, or that the denial was based on an unreasonable  
7 determination of facts in light of the evidence presented. Hence, Petitioner fails to make a prima  
8 facie case for relief under AEDPA.

9       13. Respondent affirmatively alleges that the Board considered all reliable and relevant  
10 evidence before it at Petitioner's 2005 parole hearing, and that its decision finding that  
11 Petitioner's release would "pose an unreasonable risk of danger to society or a threat to public  
12 safety if released from prison" (Ex. 2 at 65) is supported by some evidence.

13       14. Respondent denies that the Board's decision denying parole violated Petitioner's  
14 federal due process rights.

15       15. Respondent denies that the Board unlawfully relied on static factors in denying  
16 Petitioner parole at his 2005 hearing.

17       16. Respondent denies that the Board was required to find Petitioner suitable for parole at  
18 his 2005 hearing based on the evidence regarding his rehabilitation in prison or pursuant to the  
19 statutory language of Penal Code section 3041.

20       17. Respondent affirmatively alleges that Petitioner fails to state or establish any grounds  
21 for federal habeas corpus relief.

22       18. Respondent affirmatively alleges that if the petition is granted, Petitioner's remedy is  
23 limited to a new parole consideration hearing before the Board that comports with due process.  
24 *Benny v. U.S. Parole Comm'n*, 295 F.3d 977, 984-85 (9th Cir. 2002) (finding that the Board must  
25 exercise discretion in determining whether or not an inmate is suitable for parole); *In re*  
26 *Rosenkrantz*, 29 Cal.4th 616, 658 (2002) (finding that the proper remedy if a Board decision  
27 lacks some evidence is a new hearing that comports with due process).

28       19. Respondent does not allege that there is any procedural bar to this action, including



1 statute of limitations or non-retroactivity.

2 20. Respondent denies that an evidentiary hearing is necessary in this matter.

3 21. Except as expressly admitted above, Respondent denies, generally and  
4 specifically, each and every allegation of the petition, and specifically denies that Petitioner's  
5 administrative, statutory, or constitutional rights have been violated in any way.

6 For the reasons stated in this Answer and in the following Memorandum of Points and  
7 Authorities, this Court should deny the Petition.

## 8 MEMORANDUM OF POINTS AND AUTHORITIES

### 9 ARGUMENT

#### 10 **THE STATE COURT'S DENIAL OF PETITIONER'S HABEAS** 11 **CLAIM WAS NOT CONTRARY TO OR AN UNREASONABLE** 12 **APPLICATION OF CLEARLY ESTABLISHED FEDERAL LAW,** 13 **NOR BASED ON AN UNREASONABLE DETERMINATION** 14 **OF THE FACTS.**

15 Under AEDPA, when a state inmate's claim has been adjudicated on the merits in state  
16 court, a federal court may grant a writ of habeas corpus on the same claim only if the state court's  
17 adjudication was either (1) "contrary to, or involved an unreasonable application of, clearly  
18 established Federal law, as determined by the Supreme Court of the United States;" or (2) "based  
19 on an unreasonable determination of the facts in light of the evidence presented at the State Court  
20 proceeding." 28 U.S.C. § 2254(d)(1)-(2).

21 "Clearly established federal law, as determined by the Supreme Court of the United States,"  
22 refers to "the holdings, as opposed to the dicta, of [the Supreme] Court's decisions as of the time  
23 of the relevant state-court decision." *Williams v. Taylor*, 529 U.S. 362, 412 (2000). A state court  
24 decision is contrary to established federal law if "the state court applies a rule that contradicts the  
25 governing law set forth in [United States Supreme Court] cases," or "the state court confronts a  
26 set of facts that are materially indistinguishable from a decision of [the United States Supreme]  
27 Court and nevertheless arrives at a result different from [the Court's] precedent." *Lockyer v.*  
28 *Andrade*, 583 U.S. 63, 73 (2003) (citations and internal quotation marks omitted). A state court  
decision is an unreasonable application of clearly established law "if the state court identifies the  
correct governing legal principle from [the United States Supreme Court's] decision but



1 unreasonably applies that principle to the facts of the prisoner's case." *Id.* at 75. It is not enough  
 2 that the state court applies the law erroneously or incorrectly; rather, the application must be  
 3 objectively unreasonable. *Id.* at 75-76.

4 When, as here, the California Supreme Court denies a petition for review without  
 5 comment, the federal court will look to the last reasoned decision as the basis for the state court's  
 6 judgment. *Ylst v. Nunnemaker*, 501 U.S. 797, 803-04 (1991). In this case, the last reasoned  
 7 decision is the Santa Clara County Superior Court's order denying Petitioner's habeas claims.  
 8 (Ex. 9.) As this decision is neither contrary to or an unreasonable application of federal law, nor  
 9 based on an unreasonable determination of the facts in light of the evidence presented, Petitioner  
 10 fails to establish a violation of AEDPA standards. Therefore, his petition for writ of habeas  
 11 corpus must be denied.

12 **A. Petitioner Received All Process Due Under the Only United States Supreme**  
 13 **Court Law Addressing Due Process in the Parole Context.**

14 The setting of a parole date is not part of the criminal prosecution so the full panoply of  
 15 rights afforded a defendant in a criminal proceeding are not constitutionally mandated in a parole  
 16 proceeding. *Pedro v. Or. Parole Bd.*, 825 F.2d 1396, 1398-99 (9th Cir. 1987). The only  
 17 Supreme Court decision to address the requirements of due process at a parole consideration  
 18 hearing has held that a parole board's procedures are constitutionally adequate if the inmate is  
 19 given an opportunity to be heard and a decision informing him of the reasons he did not qualify  
 20 for parole. *Greenholtz*, 442 U.S. at 16.<sup>2/</sup>

21 Here, Petitioner does not contend that he failed to receive an opportunity to be heard and  
 22 a statement of the grounds for which the Board found him unsuitable for parole. (*See generally*  
 23 *Pet.*) Similarly, the Board's hearing transcript reflects that Petitioner appeared at the hearing and  
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25 2. The Supreme Court has continued to cite *Greenholtz* approvingly for the proposition that  
 26 the "level of process due for inmates being considered for release on parole includes an opportunity  
 27 [its] discussion of the appropriate level of procedural safeguards." *Wilkinson v. Austin*, 545 U.S.  
 28 2384, 2397 (2005).

1 received an opportunity to be heard, and that the Board issued a decision informing him of the  
 2 grounds upon which he was denied parole. (Ex. 2.) Accordingly, because Petitioner received all  
 3 the process due under the United States Supreme Court precedent finding a federal liberty  
 4 interest in discretionary parole release, the state court decision was not contrary to or an  
 5 unreasonable application of clearly established federal law as determined by the United States  
 6 Supreme Court. *See* 28 U.S.C. § 2254(d).

7 **B. The Ninth Circuit's Some-Evidence Test Is Not Clearly Established Supreme Court**  
 8 **Law, and thus Not Applicable to Petitioner's Federal Habeas Corpus Claims under**  
 9 **AEDPA.**

10 Petitioner alleges that the Board's decision must be overturned because it is not  
 11 supported by some evidence. This argument stems from the holding in *Superintendent v. Hill*, 472  
 12 U.S. 445, 455 (1985), in which the United States Supreme Court determined that some evidence  
 13 must support the decision of a prison disciplinary board to revoke good time credits. In *Jancsek*  
 14 *v. Oregon Board of Parole*, 833 F.2d 1289, 1290 (9th Cir. 1987), the Ninth Circuit held that this  
 15 standard applies not only in the disciplinary context, but the parole context as well, and that some  
 16 evidence must support the Board's denials of parole. Because the holding in *Jancsek* is not  
 17 clearly established federal law under AEDPA standards, the some-evidence standard may not be  
 18 applied in federal habeas proceedings challenging parole denials.

19 As the Supreme Court clarified in *Musladin*, 127 S. Ct. at 654, where the Court has not  
 20 applied a test or standard to a certain type of case it cannot be said that the failure of a state court  
 21 to do so was an unreasonable application of clearly established federal law. In *Musladin*, the  
 22 petitioner challenged a state court decision finding that the fact the victim's family wore buttons  
 23 displaying the victim's image at the defendant's trial was not inherently prejudicial. *Id.* at 650.  
 24 The Ninth Circuit held that the state court decision was contrary to or an unreasonable  
 25 application of federal law regarding state-sponsored courtroom practices. *Id.* In reversing the  
 26 Ninth Circuit, the Supreme Court noted that although it had articulated a test to determine  
 27 whether state-sponsored courtroom practices were inherently prejudicial, it had never addressed  
 28 the issue of whether conduct by a private party was so prejudicial that it deprived the defendant  
 of his right to a fair trial. *Id.* at 654. "Given the lack of holdings" on the specific issue, the Court

1 reversed the Ninth Circuit and held that the state court's decision was not an unreasonable  
2 application of federal law. *Id.*

3       The Supreme Court has since reiterated its holding in *Musladin*, confirming that a state  
4 court decision cannot be contrary to or an unreasonable application of federal law where the  
5 Court has not addressed what protection or test is required in a specific factual or legal scenario.  
6 In *Schriro v. Landrigan*, \_\_\_ U.S. \_\_\_, 127 S. Ct. 1933 (2007), the Ninth Circuit found that the  
7 state court unreasonably applied *Wiggins v. Smith*, 539 U.S. 510 (2003) and *Rompilla v. Beard*,  
8 545 U.S. 374, 381 (2005) when it denied federal habeas relief to a defendant asserting ineffective  
9 assistance of counsel, despite the fact that he had refused to allow the presentation of any  
10 mitigating evidence. *Landrigan*, 127 S. Ct. at 1942. The Supreme Court reversed that part of the  
11 decision after distinguishing the facts of the case from those in *Wiggins* and *Rompilla*. *Wiggins*  
12 did not address a situation in which the client had interfered with counsel's efforts to present  
13 mitigating evidence. *Id.* And in *Rompilla*, the defendant had not informed the court that he did  
14 not want mitigating evidence presented. *Id.* Because the high court had never addressed a  
15 situation like the one raised in *Landrigan*, it held that the state court's decision was not  
16 objectively unreasonable. *Id.*

17       Several recent Ninth Circuit decisions also emphasize that there can be no clearly  
18 established federal law where the Supreme Court has never addressed a particular issue or  
19 applied a certain test to a specific type of proceeding. *Crater v. Galaza*, 491 F.3d 1119, 1122-23,  
20 1126-27, n.8 (9th Cir. 2007) (citing *Musladin*, the Ninth Circuit acknowledged that decisions by  
21 courts other than the Supreme Court as "non-dispositive" under § 2254(d)(1)); *Foote v. Del*  
22 *Papa*, 492 F.3d 1026, 1029-30 (9th Cir. 2007) (affirming district court's denial of petition  
23 alleging ineffective assistance of appellate counsel based on an alleged conflict of interest  
24 because no Supreme Court case has held that such an irreconcilable conflict violates the Sixth  
25 Amendment); *Nguyen v. Garcia*, 477 F.3d 716, 718, 727 (9th Cir. 2007) (holding that state  
26 court's decision finding *Wainwright v. Greenfield*, 474 U.S. 284 (1986) did not apply to a state  
27 court competency hearing was not contrary to clearly established federal law because Supreme  
28 Court had not held that *Wainwright* applied to competency hearings).

1 Because the Supreme Court developed the some-evidence standard in the context of a  
 2 prison disciplinary hearing, which is fundamentally different from a parole proceeding, applying  
 3 this standard to a parole decision cannot be clearly established federal law. *Musladin*, 127 S. Ct.  
 4 at 654; *Landrigan*, 127 S. Ct. at 1942. The level of due process protections to which an inmate is  
 5 entitled is directly related to the level of his liberty interest and the nature of the decision being  
 6 made. *Greenholtz*, 442 U.S. at 13-14. At a disciplinary hearing, the inquiry is retrospective and  
 7 factual in nature, and the prisoner faces a potential loss of credits. *Greenholtz*, 442 U.S. at 14.  
 8 But a decision to parole an inmate is fundamentally different. First, the level of liberty interest  
 9 an inmate has in the possibility of parole is markedly different from that of an inmate who is  
 10 facing a loss of credits. *Wolff v. McDonnell*, 418 U.S. 539, 560-61 (1974) (contrasting the  
 11 different interests that a parolee and a prisoner may have in their deprivation of liberty);  
 12 *Greenholtz*, 442 U.S. at 13-14 (distinguishing the parole suitability decision from the parole  
 13 revocation and disciplinary decisions). Second, a parole decision is not factual in nature. Rather,  
 14 it is a predictive and subjective decision requiring discretionary analysis of the inmate's  
 15 suitability for release. *Greenholtz*, 442 U.S. at 9-10; *Wilkinson*, 545 U.S. at 229. In fact, due to  
 16 the discretionary nature of parole decisions, the Supreme Court has held that, in contrast to prison  
 17 disciplinary hearings, due process does not require the decision-maker to specify the evidence  
 18 showing that a prisoner is unsuitable for parole. *Greenholtz*, 442 U.S. at 15.

19 In summary, applying the some-evidence standard to a parole proceeding is not clearly  
 20 established federal law. Instead, the *only* clearly established Supreme Court authority describing  
 21 the process due when there is a federal liberty interest in parole simply requires that the inmate be  
 22 given an opportunity to be heard and advised of the reasons he was not found suitable for parole.  
 23 *Greenholtz*, 442 U.S. at 16. Indeed, in *Greenholtz* the Supreme Court rejected the argument that  
 24 due process requires an evidentiary standard of review in parole cases, holding that there is  
 25 "nothing in the due process concepts as they have thus far evolved that requires the Parole Board  
 26 to specify the particular 'evidence' . . . on which it rests the discretionary determination that an  
 27 inmate is not ready for conditional release." *Id.* at 15-16. The Supreme Court has thus explicitly  
 28 rejected the notion that a parole decision must be supported by any particular quantum of

1 evidence. *Id.*

2 Accordingly, because application of the some-evidence standard to parole denial  
3 challenges is not clearly established Supreme Court law regarding federal due process, AEDPA  
4 precludes this standard from being applied to Petitioner's claims in this case. *See* 28 U.S.C. §  
5 2254(d); *Musladin*, 127 S. Ct. at 654.

6 **C. Even if the Some-Evidence Standard Was Clearly Established Federal Law, the**  
7 **Standard Was Correctly Applied by the State Court.**

8 Even if the some-evidence standard was clearly established federal law for AEDPA  
9 purposes, Petitioner's claim would nonetheless fail because he cannot show that the state court  
10 unreasonably applied this standard or made an unreasonable determination of the facts. Under  
11 California law, the proper level of judicial review is whether "some evidence in the record before  
12 the Board supports the decision to deny parole, based upon the factors specified by statute and  
13 regulation." *Rosenkrantz*, 29 Cal. 4th at 658. The some-evidence standard "does not require  
14 examination of the entire record, independent assessment of the credibility of witnesses, or  
15 weighing of the evidence;" rather, it is satisfied if there is "any evidence in the record that could  
16 support the conclusion reached by the [B]oard." *Hill*, 472 U.S. at 455-57; *see also Sass*, 461  
17 F.3d at 1129 (stating that "*Hill's* some evidence standard is minimal.")

18 Although Petitioner invites the Court to re-examine the facts of his case and re-weigh the  
19 evidence presented to the Board, AEDPA does not permit this degree of judicial intrusion.  
20 Petitioner bears the burden of proving that the state court's factual determinations were  
21 objectively unreasonable. 28 U.S.C. § 2254(e)(1); *Juan H. v. Allen*, 408 F.3d 1262, 1270 (9th  
22 Cir. 2005). So long as the state court's reasoned decision was a reasonable determination of the  
23 facts presented, Petitioner's claim must fail.

24 Moreover, in assessing the state court's review of Petitioner's claims, not only should the  
25 appropriate deference be afforded under AEDPA to the state court's review, but deference is also  
26 due to the underlying Board decision. The Supreme Court has recognized the difficult and  
27 sensitive task faced by the Board members in evaluating the advisability of parole release.  
28 *Greenholtz*, 442 U.S. at 9-10. Thus, contrary to Petitioner's belief that he should be paroled

1 based on the evidence in support of parole presented at the hearing (Pet. at 6), the Supreme Court  
2 has stated that in parole release, there is no set of facts which, if shown, mandate a decision  
3 favorable to the inmate. *Greenholtz*, 442 U.S. at 9-10. Instead, under the some-evidence  
4 standard, the court's inquiry is limited solely to determining whether the state court properly  
5 found that the Board's decision to deny parole is supported by some evidence in the record, i.e.,  
6 any evidence. *Hill*, 472 U.S. at 455.

7 Here, the state court reasonably upheld the Board's decision, finding that "[p]ursuant to  
8 [*Dannenberg*,] parole can be denied if any one of several broadly interpreted and extremely  
9 deferentially reviewed, unsuitability factors are present. In this case 'multiple victims were  
10 attacked, injured or killed.'" (Ex. 9.) The language quoted by the court is taken directly from the  
11 illustrative criteria in the Board's regulations regarding one circumstance of a commitment  
12 offense that indicates the crime was especially heinous, atrocious, or cruel. Cal. Code Regs. tit.  
13 15, § 2402(c)(1)(A). Thus, because the state court relied on evidence that was undisputed—that  
14 Petitioner's crime involved multiple victims—Petitioner cannot show that the state court  
15 unreasonably determined the facts or unreasonably applied the some-evidence standard in  
16 denying his claims.

17 Moreover, the state court's decision should also be upheld given that the Board's decision  
18 was supported by some evidence regarding other aspects of the murder offense and other parole  
19 criteria. Although these other factors were not explicitly discussed by the state court, this Court  
20 can also consider them because under AEDPA, this Court is only concerned with whether the  
21 superior court's decision granting or denying relief, as opposed to its reasoning, is contrary to or  
22 an unreasonable application of Supreme Court law. *Hernandez v. Small*, 282 F.3d 1132, 1140  
23 (9th Cir. 2002) (determining in habeas proceedings that "the intricacies of the state court's  
24 analysis need not concern us; what matters is whether the *decision* the court reached was contrary  
25 to controlling federal law").

26 Here, in addition to the presence of multiple victims, the Board found that the murder had  
27 been carried out in a manner that was "especially cruel and callous" given that Petitioner had shot  
28 Collins three times in the back and twice in the back of the head, and had also shot his niece



1 Watts once in the back. (Ex. 2 at 65-66.) The Board also found that the motive for the murder  
2 could either be “explicable or very trivial” depending on whether Petitioner’s decision to shoot  
3 Collins had “intentional motives” or if it was the result of an altercation as Petitioner indicated in  
4 his statement. (*Id.* at 66.) And the Board considered the fact that Petitioner had fled the scene  
5 and that there was no indication that he knew whether Collins was dead at the time. (*Id.*)

6 Furthermore, in addition to the murder offense, the Board considered Petitioner’s  
7 extensive criminal history, including eighty-two arrests for such crimes as battery, illegal  
8 weapon, burglary, conspiracy, and forgery, which the Board found reflected an “escalated pattern  
9 of criminal conduct and violence” as well as “a history of unstable relationships with others.”  
10 (*Id.* at 66-67; Ex. 5 at 3-7; Ex. 6.) Similarly, the Board found that Petitioner had “failed to  
11 profit” from society’s previous attempts to correct his criminality (ex. 2 at 66-67), which  
12 included a juvenile commitment, parole, and probation. (*Id.*; Ex. 5 at 3-7; Ex. 6.) Additionally,  
13 during the hearing Petitioner also stated that his twenty-three-year heroine addiction and a  
14 “rebellious” nature toward authority contributed toward his criminal conduct. (Ex. 2 at 18-22.)

15 Next, the Board considered that the 2004 psychological report was favorable, the Board  
16 also determined it did not “delve into [Petitioner’s] prior criminal history and the heroine use as  
17 it relates to the crime.” (*Id.* at 67; *see also* Ex. 7.) The Board stated that Petitioner might be able  
18 to further reconcile some of the issues the Board was concerned about if he had discussions with  
19 a therapist or psychologist. (Ex. 2 at 67-68.) Thus, the Board found that Petitioner needed  
20 further therapy and that until progress was made, Petitioner “may be unpredictable and a threat to  
21 others.” (*Id.* at 68.) And while this consideration may not independently support a denial of  
22 parole, the Board still properly considered this circumstance within the context of the other  
23 parole criteria. Cal. Code Regs. tit. 15, § 2402(b) (providing that “[c]ircumstances which taken  
24 alone may not firmly establish unsuitability for parole may contribute toward a pattern which  
25 results in a finding of unsuitability”).

26 Finally, the Board considered the opposition to parole from the Palo Alto Police  
27 Department and the Santa Clara County District Attorney’s Office. (Ex. 2 at 29-32, 54-58, 68.)  
28 The Board appropriately considered this opposition to parole, as required by California Penal

1 Code section 3042. *Dannenberg*, 34 Cal. 4th at 1084-85 (finding that public opposition to parole  
2 must not only be considered, but “may be influential, and even decisive in appropriate cases”).

3 In summary, Petitioner cannot show that the state court unreasonably applied the some-  
4 evidence standard in upholding the Board’s parole denial given that it was supported by some  
5 evidence. Also, as previously indicated, Petitioner cannot establish a denial of due process based  
6 on the weight that he or this Court believes should have been assigned to the evidence in favor of  
7 his parole because the some-evidence standard does not permit a re-weighing of evidence, but  
8 rather limits the court’s inquiry solely to determining whether the state court properly found that  
9 the Board’s decision to deny parole is supported by some evidence. *See Hill*, 472 U.S. at 455.  
10 Here, the Board’s findings were reasonably based on Petitioner’s testimony at the hearing, the  
11 public opposition to parole, and the relevant documents from Petitioner’s central prison file. (Ex.  
12 2 at 6-9 [stating information Board would consider at the hearing]; *see also* Exs. 4-7.) Therefore,  
13 if the some-evidence test in *Hill* applies, Petitioner’s claims must be denied because he cannot  
14 show that this standard was unreasonably applied by the state court.

15 **D. The Board May Rely on Static Factors to Deny Parole.**

16 Petitioner also argues that due process precludes the Board from relying on static factors,  
17 such as the circumstances of the commitment offense and his significant criminal record, to deny  
18 parole. Petitioner cannot show, however, that the state court unreasonably upheld the Board’s  
19 consideration of these factors given that there is no clearly established Supreme Court precedent  
20 precluding the Board from relying on such factors when determining an inmate’s suitability for  
21 parole.

22 Moreover, California Penal Code section 3041 requires that the parole authority examine  
23 the commitment offense, providing that the Board “shall set a release date unless it determines  
24 that the gravity of the current convicted offense or offenses, or the timing and gravity of current  
25 or past convicted offense or offenses, is such that consideration of the public safety requires a  
26 more lengthy period of incarceration.” Cal. Penal Code § 3041(b); *Dannenberg*, 34 Cal. 4th at  
27 1080. The applicable regulations also provide that a prisoner shall be denied parole if he “will  
28 pose an unreasonable risk of danger to society if released from prison.” Cal. Code Regs. tit. 15, §



1 2402(a). Similarly, the California Supreme Court held in *Dannenberg* that the Board may rely  
2 solely on the circumstances of the commitment offense. 34 Cal. 4th at 1094. Hence, “an inmate  
3 whose offense was so serious as to warrant, at the outset, a maximum term of life in prison, may  
4 be denied parole during whatever time the Board deems required for ‘this individual’ by  
5 ‘consideration of the *public safety*.’” *Id.* at 1084.

6 The Board’s consideration of public safety is also not limited to the inmate’s potential for  
7 violence as suggested by Petitioner. Rather, the United States Supreme Court has indicated that  
8 the parole authority’s consideration of the commitment offense also must account for “whether,  
9 in light of the nature of the crime, the inmate’s release will minimize the gravity of the offense,  
10 weaken the deterrent impact on others, and undermine respect for the administration of justice.”  
11 *Greenholtz*, 442 U.S. at 8.

12 The Ninth Circuit’s holding in *Biggs v. Terhume*, 334 F.3d 910 (9th Cir. 2003) does not  
13 compel a different result. In *Biggs*, the Ninth Circuit stated that the Board’s continuing reliance  
14 on an unchanging factor to deny parole “could result in a due process violation.” *Id.* at 917.  
15 However, the *Biggs* court did not definitively indicate that reliance on an unchanging factor  
16 necessarily violates due process, only that it possibly could. Indeed, the court praised *Biggs* for  
17 being “a model inmate,” and found that the record was “replete with the gains *Biggs* has made,”  
18 including a master’s degree in business administration. *Id.* at 912. Nonetheless, the court denied  
19 habeas relief because the Board’s decision to deny parole—which relied solely on the commitment  
20 offense—was supported by some evidence. *Id.* at 917.

21 Most importantly, the statement in *Biggs* is merely circuit court dicta, and not clearly  
22 established federal law sufficient to overturn a state court decision under AEDPA standards. In  
23 *Sass*, the Ninth Circuit emphasized that *Biggs* does not contain mandatory language, and that  
24 “[u]nder AEDPA, it is not our function to speculate about how future parole hearings could  
25 proceed.” *Sass*, 461 F.3d at 1129. The *Sass* court then rejected the argument that the Board’s  
26 reliance on “immutable behavioral evidence” to deny parole violated federal due process. *Id.*  
27 The Ninth Circuit most recently addressed this issue in *Irons v. Carey*, \_\_ F.3d \_\_, 2007 WL  
28 2027359 (9th Cir. July 13, 2007). In overturning a district court grant of habeas corpus, the

1 Ninth Circuit held that despite substantial evidence of the inmate-petitioner's rehabilitation, the  
 2 Board acted properly and did not abuse its discretion by relying on the circumstances of the  
 3 commitment offense to deny parole. *Id.* at \*5-6. Thus, the dicta from *Biggs* and its progeny do  
 4 not preclude the Board from using circumstances of the commitment offense to deny parole, nor  
 5 may this dicta be used to overturn a valid state court decision.

6 Accordingly, because Petitioner fails to prove that the state court decision denying parole  
 7 and rejecting his claims regarding the Board's continued reliance on his crime and criminal  
 8 history is contrary to or an unreasonable application of clearly established Supreme Court law,  
 9 his federal petition must be denied.

10 **E. Petitioner's Erroneously Argues that He Is Entitled to Parole Based on the**  
 11 **Language of California Penal Code section 3041(a).**

12 In addition to challenging the sufficiency of the evidence, Petitioner also contends that he  
 13 was unlawfully denied parole based on his allegation that California Penal Code section 3041(b)  
 14 creates an "affirmative obligation" for the Board to grant parole. (Pet. at 6.) Petitioner's  
 15 allegation is both without merit and fails to state a federal claim. Petitioner thus fails to  
 16 demonstrate that the state courts unreasonably denied his petition as to this claim.

17 As an initial matter, Petitioner's claim regarding the proper interpretation of California's  
 18 parole statute is solely a state law claim, and thus not cognizable in federal habeas corpus. *See*,  
 19 *e.g., Rose v. Hodges*, 423 U.S. 19, 21 (1975); *Gutierrez v. Griggs*, 695 F.2d 1195, 1197-98 (9th  
 20 Cir. 1983). Moreover, even if Petitioner is alleging that the state court erroneously interpreted or  
 21 applied the applicable California law when it denied his petition, a federal court may not  
 22 challenge a state court's interpretation or application of state law, *Middleton v. Cupp*, 768 F.2d  
 23 1083, 1085 (9th Cir. 1985), or grant relief "on the basis of a perceived error of state law." *Pulley*  
 24 *v. Harris*, 465 U.S. 37, 41 (1984). Thus, the Petition should be denied as to Petitioner's claim  
 25 challenging the proper application of California Penal Code section 3041.

26 Alternatively, to the extent Petitioner's allegations state a federal claim, they are without  
 27 merit. As to Petitioner's construction of the language in Penal Code section 3041(b) establishing  
 28 an "affirmative obligation" to grant parole, the California Supreme Court has determined, in

1 construing the *entire* statute, that “the statutory language belies the notion of a *mandatory duty*”  
2 to parole any prisoner, nor does it notably restrict the Board’s discretion in determining parole  
3 suitability. *Dannenberg*, 34 Cal. 4th at 1084-88 (emphasis in original). Rather, Petitioner is only  
4 entitled to parole after having been found suitable for parole release. *Irons*, 2007 WL 2027359 at  
5 4, n.3 (citing *Dannenberg*, 34 Cal. 4th at 1078). Petitioner thus cannot show that he was entitled  
6 to parole based solely on the language of California Penal Code section 3041(a). As a result,  
7 Petitioner cannot meet his burden of demonstrating that the state court unreasonably denied him  
8 relief as to this claim.

### 9 CONCLUSION

10 Under AEDPA, the Court may grant a writ of habeas corpus only if it determines that the  
11 state court findings denying relief were contrary to, or an unreasonable application of, clearly  
12 established federal law, or involved an unreasonable interpretation of the facts. Petitioner fails to  
13 prove that this is the case. First, he received all process due under *Greenholtz*, the only clearly  
14 established federal law specifically addressing the process due at parole consideration hearings.  
15 Second, even if the some-evidence standard applies, Petitioner cannot show that the state court  
16 decision denying him relief was based on either an unreasonable application of this standard  
17 under clearly established Supreme Court law or that it was based an unreasonable determination  
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1 of the facts. For these reasons, Respondent respectfully requests that the petition for writ of  
2 habeas corpus be denied.

3 Dated: October 18, 2007

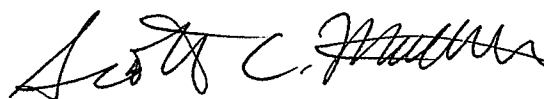
4 Respectfully submitted,

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15 20104225.wpd  
16 SF2007200663

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Glasgow v. Curry**

No.: **C 07-1851 MJJ**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **October 23, 2007**, I served the attached

**ANSWER TO THE ORDER TO SHOW CAUSE;  
MEMORANDUM OF POINTS AND AUTHORITIES**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Brice Glasgow  
C-26529  
Correctional Training Facility  
P.O. Box 689  
Soledad, CA 93960-0689  
in pro per**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **October 23, 2007**, at San Francisco, California.

\_\_\_\_\_  
J. Palomino  
Declarant

\_\_\_\_\_  
*J. Palomino*  
Signature

**EXHIBIT 1**

DEPT. No. 1 CASE NO. 75071

In the Superior Court of the State of California

IN AND FOR THE COUNTY OF SANTA CLARAABSTRACT OF JUDGMENT  
(Commitment to State Prison as provided by Penal Code Section 1213.5)

The People of the State of California,

VS

BRICE GLASGOW Defendant.Hon. FRANK CLIFF  
(Judge of Superior Court)J. NEDDE  
(District Attorney)B. SHECHMEISTER  
(Counsel for Defendant)This certifies that on the 11 day of Feb., 19 91 judgment of conviction of the above-named defendant was entered as follows:In Case No. 75071 Count No. 1 he was convicted by Jury; on his plea of Guilty  
(Court or Jury)Guilty (guilty, not guilty, former conviction or acquittal, once in jeopardy, not guilty by reason of insanity); of the crime of MURDER IN THE 1ST DEGREE

(designation of crime and degree, if any, including fact that it constitutes a second or subsequent conviction of same offense if that affects the sentence and if under Section 209 of the Penal Code whether victim suffered bodily harm):

in violation of PC 187  
(reference to Code or Statute, including Section and Sub-section);

with prior convictions charged and proved or admitted as follows:

DATE	COUNTY AND STATE	CRIME	DISPOSITION
<u>JAN, 1973</u>	<u>SANTA CLARA, CA</u>	<u>475a PC</u>	<u>Admitted</u>
<u>JAN, 1966</u>	<u>SANTA CLARA, CA</u>	<u>459 PC **</u>	<u>Admitted</u>
<u>JAN, 1966</u>	<u>SANTA CLARA, CA</u>	<u>182 PC</u>	<u>Admitted</u>
<u>Sept, 1972</u>	<u>MERCED, CA</u>	<u>459 PC</u>	<u>Admitted</u>

Defendant was NOT adjudged a habitual criminal within the meaning of Sub-division (a) or (b) of  
 (was) or (was not) (a) or (b)  
 Section 644 of the Penal Code; and the defendant IS NOT a habitual criminal in accordance with Sub-division (c)  
 (is) or (is not)  
 of that Section.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said defendant be punished by imprisonment in the State Prison of the State of California for the term provided by law, and that he be remanded to the Sheriff of the SANTA CLARA County of SANTA CLARA and by him delivered to the Director of Corrections of the State of California at the place hereinafter designated.

It is ordered that sentences shall be served in respect to one another as follows COUNT 1 SENTENCE  
 (Note whether concurrent or consecutive as to each count);

is to be served consecutive to sentence for Count 2,  
Section 245(A) Penal Code, Assault with Deadly Weapon,  
Middle Term, 3 yrs + 2 yrs PC 12022.5, gun enhancement  
for total of 5 years.  
 and in respect to any prior incomplete sentence (s) as follows: -

(NOTE whether concurrent or consecutive as to all incomplete sentences from other jurisdictions);

Credit for time served on Count 1 set at 0 days.

To the Sheriff of the SANTA CLARA County of SANTA CLARA and to the Director of Corrections:

Pursuant to the aforesaid judgment, this is to command you, the said Sheriff, to deliver the above-named defendant into the custody of the Director of Corrections at JACAVILLE  
 at your earliest convenience.

Witness my hand and seal of said court

this 11th day of February, 1981

JOHN KAZUBOWSKI Clerk

by K. Longinetti Deputy

K. SAGGINETTI ss.

State of California,  
 County of SANTA CLARA

I do hereby certify the foregoing to be a true and correct abstract of the judgment duly made and entered on the minutes of the Superior Court in the above entitled action as provided by Penal Code Section 1213.

Attest my hand and seal of the said Superior Court this 11th day of Feb 1981

County Clerk and Ex-officio Clerk of the Superior Court of the State of California in and for the

County of SANTA CLARA

The Honorable: FRANK CLIFF

Judge of the Superior Court of the State of California, in and for the County of

SANTA CLARA

Note: If probation was granted in any sentence of which abstract of judgment is certified, attach a minute order reciting the fact and imposing sentence or ordering a suspended sentence into effect.



FORM CR 290

COURT OF CALIFORNIA, COUNTY SANTA CLARA  
 BRANCH PALO ALTO

COURT USE ONLY

STATE OF THE STATE OF CALIFORNIA versus

DEFENDANT: BRICE GLASSGOW

☒ Present ☐ Not Present

AKA:

COMMITMENT TO STATE PRISON P.C. § 1170

ABSTRACT OF JUDGMENT

CASE NUMBER: 75071

Hearing 02-11-81 Dept. No. 1 Judge FRANK CLIFF Clerk K. SANGUINETTI

Reporter R. JUNE Counsel for People J. NEDDE

Counsel for Defendant B. SHECHMEISTER Probation Number or Probation Officer D. GARISH

Defendant was convicted of the commission of the following crimes:

☐ Additional counts are listed on attachment 1.a.

Count	Code	Section No.	Crime	Year Crime Committed	Date of Conviction Mo. Day Yr.	Conviction by: Jury Trial Court Trial Plea	Count Stayed PC § 654	ENHANCEMENTS Charged and Found	Additional term stricken due to circumstances in mitigation
2	PC	245 A	ASSAULT WITH DEADLY WEAPON	1980	12-19-80	X		PC § 12022.5 (a)(b)(c)	
								PC § 12022.5	
								PC § 12022.6(a)(b)(c)	
								PC § 12022.7	
								PC § 12022	
								PC § 12022.5	
								PC § 12022.6	
								PC § 12022.7	

A. Number of prior prison terms charged and found: 0 667.5(c) felonies; 0 other than 667.5(c) felonies.

Punishment for prior prison terms stricken: 0 667.5(c) felonies; 0 other than 667.5(c) felonies.

The crime with the greatest "principal" term of imprisonment (including § 12022-series enhancements) is:

A. ☒ In the present proceeding, Count 2 B. ☐ In a prior uncompleted sentence identified on next line.

Defendant is sentenced on the crime with the greatest "principal" term to state prison for the ☐ lower ☒ middle ☐ upper base term of

Unstayed and unstricken enhancements imposed:

A. ☐ Penal Code § 12022(a) ☐ Penal Code § 12022(b) ☒ Penal Code § 12022.5 ☐ Penal Code § 12022.7  
 B. ☐ Penal Code § 12022.6(a) ☐ Penal Code § 12022.6(b)  
☐ Penal Code § 667.5(a)  
☐ Penal Code § 667.5(b)

Terms for consecutive sentences:

1) ☐ Other convictions in the present case for felonies not listed in § 667.5(c) on counts \_\_\_\_\_ years.  
 2) ☐ Other convictions in prior uncompleted sentences for felonies not listed in § 667.5(c) \_\_\_\_\_ years.

☒ Other convictions in the present case for felonies listed in § 667.5(c) on counts 1 - INDETERMINATE SENTENCE \_\_\_\_\_ years.

(4) ☐ Other convictions in prior uncompleted sentences for felonies listed in § 667.5(c) \_\_\_\_\_ years.

Concurrent Sentences (to be served with sentence on count identified on line 3):

☐ For convictions of the present case, counts \_\_\_\_\_ B. ☐ For convictions of prior uncompleted sentence.

Years imposed above on lines 4 through 5.E.(4), number of years stayed pursuant to California Rules of Court, Rule 447, to comply with Penal Code §§ 1170.1(a) [5-year limit] and 1170.1(f) [double-base-term limit] \_\_\_\_\_ years.

Total unstayed prison term imposed by this judgment is 5 years.

Duration of sentence imposed A. ☒ at initial sentencing hearing B. ☐ at resentencing pursuant to decision on appeal

C. ☐ after revocation of probation D. ☐ at resentencing pursuant to recall of commitment (P.C. § 1170(d))

Court pronounced sentence on 02/11/81 Defendant is credited for time spent in custody, 522 total days, including:

Local Time 348 P.C. § 409(b) credit 174 State Institutions Time 0 (specify dates of admission and release in oral proceedings and minutes).

Defendant is remanded to the custody of the Sheriff to be delivered: ☒ forthwith ☐ after 48 hours, excluding Saturdays, Sundays and Holidays

In the custody of the Director of Corrections at the Reception-Guidance Center located at ☐ Calif. Institution for Women - Frontera

Calif. Medical Facility - Vacaville ☐ Calif. Institution for Men - Chino ☐ Other: (specify) \_\_\_\_\_

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

By K. Sanguinetti  
 Date 2-11-81

As prescribed pursuant to Penal Code § 1213.5 to satisfy the requirements of Penal Code § 1213 (Abstract of Judgment and Commitment) for determinate under Penal Code § 1170.2A. A copy of probation report shall accompany the Department of Corrections' copy of this form pursuant to Penal Code § 1203c. The sentencing proceedings and any supplementary probation report shall be transmitted to the Department of Corrections pursuant to Penal Code § 1203c. Attachments may be used but must be incorporated by reference.

Adopted by the  
 Council of California  
 January 16, 1979

ABSTRACT OF JUDGMENT-COMMITMENT  
 FORM CR 290

Pen C. 667.5, 1170, 1170.1, 1213.5,  
 12022, 12022.5, 12022.6, 12022.7.

**EXHIBIT 2**  
**Part 1 of 2**

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life )  
Term Parole Consideration )  
Hearing of: ) CDC Number C-26529  
BRICE GLASGOW )  
\_\_\_\_\_ )

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

NOVEMBER 2, 2005

8:45 A.M.

PANEL PRESENT:

Ms. Tracey St. Julien, Presiding Commissioner  
Mr. Chuck Wolk, Deputy Commissioner

OTHERS PRESENT:

Mr. Brice Glasgow, Inmate  
Mr. Anthony Hall, Attorney for Inmate  
Mr. Ronald Rico, Deputy District Attorney  
Ms. Joyce Nedde, Observer  
Correctional Officers Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____	No	See Review of Hearing
_____	Yes	Transcript Memorandum

Sue Gerdes, Peters Shorthand Reporting

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P R O C E E D I N G S

1  
2           **DEPUTY COMMISSIONER WOLK:** We're on  
3 record.

4           **PRESIDING COMMISSIONER ST. JULIEN:** It's  
5 8:45 A.M. and this is a Subsequent Parole  
6 Hearing for Brice Glasgow CDC number C-26529.  
7 Today is November 2<sup>nd</sup>, 2005 and we are at the  
8 Correctional Training Facility in Soledad. The  
9 inmate was received on February 19<sup>th</sup>, 1981 for a  
10 life term starting date (indiscernible) 17<sup>th</sup>,  
11 1983 from the County of Santa Clara case number  
12 75071 count one Penal Code section violation 187  
13 murder first, count two assault with a deadly  
14 weapon Penal Code section 245A, count two as  
15 well, use of a firearm, Penal Code section  
16 violation 12022.5 and inmates are all from the  
17 County of Santa Clara case number 75079. The  
18 inmate received a term of 25 years to life plus  
19 five years. First eligible parole date March  
20 18<sup>th</sup>, 1998. Is that correct?

21           **INMATE GLASGOW:** (indiscernible)

22           **PRESIDING COMMISSIONER ST. JULIEN:** We  
23 might need to have (indiscernible). We are tape  
24 recording the hearing so we are going to go  
25 around the room and introduce our selves. We  
26 will say our first and last name, spell our last  
27 name and if you could also state your CDC number

1 after you spell your last name. My name is  
2 Tracey St. Julien S-T capital J-U-L-I-E-N  
3 Commissioner.

4 **DEPUTY COMMISSIONER WOLK:** Chuck Wolk W-  
5 O-L-K Deputy Commissioner.

6 **ATTORNEY HALL:** Anthony Hall H-A-L-L  
7 attorney for Mr. Glasgow.

8 **INMATE GLASGOW:** Glasgow C-26529 G-L-A-  
9 S-G-O-W.

10 **PRESIDING COMMISSIONER ST. JULIEN:** Your  
11 first name.

12 **INMATE GLASGOW:** Brice B-R-I-C-E.

13 **PRESIDING COMMISSIONER ST. JULIEN:** Mr.  
14 Rico.

15 **DEPUTY DISTRICT ATTORNEY RICO:** Thank you  
16 Commissioner. Ronald Rico R-I-C-O Deputy  
17 District Attorney for Santa Clara County. And I  
18 have a second individual in the room. The  
19 former trial prosecutor in the case who is here  
20 as an observer only. I will let the identify  
21 herself.

22 **MS. NEDDE:** My name is Joyce Nedde N-E-D-  
23 D-E.

24 **PRESIDING COMMISSIONER ST. JULIEN:** And  
25 we also have two correctional officers in the  
26 room who are here for security purposes. And  
27 Mr. Glasgow, that form in front of you that

1 addresses your ADA rights I need you to please  
2 read that aloud and then I am going to ask you  
3 some questions about what you have read.

4 **INMATE GLASGOW:** The Americans with  
5 Disabilities Act, AFA, is a law to help people  
6 with disabilities. Disabilities are problems  
7 that make it harder for some people to see,  
8 hear, breathe, talk, walk, learn, think, work or  
9 take care of them selves than it is for others.  
10 No one can be kept out of pubic places or  
11 activities because of a disability. If you have  
12 a disability you have the right to ask for help  
13 to get ready for your court or parole hearing  
14 and BPT hearing. To get to the hearing, talk,  
15 read forms and papers and understand the hearing  
16 process. The BPT will look at what you ask for  
17 to make sure that you have a disability that is  
18 covered by the ADA and that you have asked for  
19 the right kind of help. If you do not get help  
20 or if you don't think you got the kind of help  
21 you need, ask for a BPT 1074 grievance form.  
22 You can also get help to fill it out.

23 **PRESIDING COMMISSIONER ST. JULIEN:** Okay.  
24 I note that on May 3<sup>rd</sup>, 2004 you signed a BPT  
25 form 1073 indicating that you do not have  
26 disabilities, is that still correct?

27 **INMATE GLASGOW:** What it is I have a

1 bladder infection and I was concerned  
2 (indiscernible) an enlargement in my lower  
3 (indiscernible) just an infection.  
4 (indiscernible).

5 **PRESIDING COMMISSIONER ST. JULIEN:** Are  
6 you taking antibiotics?

7 **INMATE GLASGOW:** Yes I did.

8 **PRESIDING COMMISSIONER ST. JULIEN:** You  
9 said that you are currently taking medication.  
10 What are you currently taking?

11 **INMATE GLASGOW:** (indiscernible)

12 **PRESIDING COMMISSIONER ST. JULIEN:**  
13 Probably and antibiotic. And is that medication  
14 giving you any side affects?

15 **INMATE GLASGOW:** Dries me up.

16 **PRESIDING COMMISSIONER ST. JULIEN:** Okay,  
17 makes you thirsty. Is that uncomfortable enough  
18 that you can't participate in the hearing today?

19 **INMATE GLASGOW:** No.

20 **PRESIDING COMMISSIONER ST. JULIEN:** Now I  
21 noticed that you are wearing glasses, with those  
22 glasses on, eyeglasses, can you see around the  
23 room clearly?

24 **INMATE GLASGOW:** Yes.

25 **PRESIDING COMMISSIONER ST. JULIEN:** Okay,  
26 and you can read?

27 **INMATE GLASGOW:** Yes.



1           **PRESIDING COMMISSIONER ST. JULIEN:** And  
2 you can see the (indiscernible).

3           **INMATE GLASGOW:** Yes Ma'am.

4           **PRESIDING COMMISSIONER ST. JULIEN:** Do  
5 you have any hearing impairments?

6           **INMATE GLASGOW:** No.

7           **PRESIDING COMMISSIONER ST. JULIEN:**  
8 (indiscernible).

9           **ATTORNEY HALL:** It has to do with his  
10 medical condition. In the 1073 he mentioned he  
11 has frequent (indiscernible).

12           **PRESIDING COMMISSIONER ST. JULIEN:** And  
13 that's (indiscernible). If you feel the need  
14 that you need to be excused for a few minutes or  
15 whatever while we are at the hearing today you  
16 can just ask and we can take a recess. Okay?

17           **INMATE GLASGOW:** Yes Ma'am.

18           **PRESIDING COMMISSIONER ST. JULIEN:** And  
19 do you know what the Triple CMS and the EOP  
20 programs are?

21           **INMATE GLASGOW:** I think it has something  
22 to do with mental health.

23           **PRESIDING COMMISSIONER ST. JULIEN:** Yes  
24 exactly. They are the mental health services  
25 programs that the department offers. Have you  
26 ever been a part of those programs?

27           **INMATE GLASGOW:** No Ma'am.

1           **PRESIDING COMMISSIONER ST. JULIEN:** And  
2 have you ever taken any psychotropic  
3 medications?

4           **INMATE GLASGOW:** No.

5           **PRESIDING COMMISSIONER ST. JULIEN:** And  
6 you did mention that you are on medicines now  
7 for bladder issues. Are you taking any other  
8 medications?

9           **INMATE GLASGOW:** Hyper tension  
10 (indiscernible).

11           **PRESIDING COMMISSIONER ST. JULIEN:** And  
12 again, do the medications that you are taking  
13 for that condition will they cause you not to be  
14 able to participate in the hearing today?

15           **INMATE GLASGOW:** No.

16           **PRESIDING COMMISSIONER ST. JULIEN:** And  
17 Mr. Hall, are you satisfied that your client's  
18 ADA rights have met?

19           **ATTORNEY HALL:** Yes I do.

20           **PRESIDING COMMISSIONER ST. JULIEN:** I am  
21 going to go ahead then and give you an outline  
22 of the hearing procedure today. And I will note  
23 that you (indiscernible) ADA issues that you do  
24 have your GED.

25           **INMATE GLASGOW:** Yes.

26           **PRESIDING COMMISSIONER ST. JULIEN:** You  
27 didn't have any problem (indiscernible). We are

1 conducting the hearing pursuant to Penal Code  
2 sections 3041 and 3042 of the rules and  
3 regulations of the Board of Parole Hearings  
4 governing parole consideration hearings for life  
5 inmates. The purpose of the hearing today is to  
6 consider your suitability for parole. We will  
7 reach a decision today and inform you whether or  
8 not we find you suitable or the reasons for that  
9 decision. If you are found suitable for parole  
10 the length of your confinement will be explained  
11 to you. The hearing will be conducted in two  
12 parts. First I am going to discuss the number  
13 and the nature of crimes you were committed for,  
14 your prior criminal and social history and your  
15 parole plans and letters of support or  
16 opposition that you may have. Then Commission  
17 Wolk will discuss with you your behavior and  
18 programming history as well as your  
19 psychological evaluations and counselors  
20 reports. When that is done the District  
21 Attorney and your attorney will be able to ask  
22 you questions and then the District Attorney  
23 actually asks the questions to the panel and you  
24 answer in turn to us. And then the District  
25 Attorney, your attorney and you will be given an  
26 opportunity to make a final statement as to your  
27 suitability. We will recess to deliberate and

1 when we reach a decision we will reconvene the  
2 hearing and announce our decision. The  
3 California Code of Regulations state that  
4 regardless of time served, a life inmate shall  
5 be found unsuitable for and denied parole if in  
6 the judgment of the panel the inmate still pose  
7 an unreasonable risk of danger to society if  
8 released from prison. You also have certain  
9 rights. Those rights include the right to a  
10 timely notice of this hearing, the right to  
11 review your Central File, and the right to  
12 present relevant documents. Mr. Hall, have you  
13 client's rights been met?

14 **ATTORNEY HALL:** Yes they have.

15 **PRESIDING COMMISSIONER ST. JULIEN:** You  
16 also have the right to be heard by an impartial  
17 panel. Do you have any objections to today's  
18 panel?

19 **INMATE GLASGOW:** No Ma'am.

20 **PRESIDING COMMISSIONER ST. JULIEN:** Mr.  
21 Hall?

22 **ATTORNEY HALL:** No objections.

23 **PRESIDING COMMISSIONER ST. JULIEN:** You  
24 will receive a copy of our written tentative  
25 decision today and that decision is subject to  
26 review by the decision review unit and the  
27 entire board meeting as a whole. That decision

1 becomes effective within 120 days. In the  
2 future you will receive a copy of that decision  
3 and a copy of the transcripts once they are  
4 transcribed. The board no longer has an appeals  
5 process. So if you have any objections or  
6 complaints about anything that happens here  
7 today you need to file those directly to the  
8 court. You can find information on how going  
9 about doing that in the prison law library.  
10 (indiscernible) Administrative Appeals  
11 Correspondence and Grievances Concerning BPT  
12 Hearings. You are not required to admit your  
13 offense or discuss your offense if you do not  
14 wish to do so. However, we accept as truth the  
15 findings of the court. We invite you to discuss  
16 the facts and circumstances of the crime if you  
17 wish. We will consider and review any prior  
18 statements you've made regarding your offense in  
19 determining your suitability for parole.  
20 Commissioner Wolk, is there confidential  
21 information?

22 **DEPUTY COMMISSIONER WOLK:** Not that we  
23 will be using today.

24 **PRESIDING COMMISSIONER ST. JULIEN:**  
25 Earlier I passed a checklist marked exhibit one  
26 to your attorney and I note that I received it  
27 back. Are all of those documents in order?

1           **ATTORNEY HALL:** Yes we have those.

2           **PRESIDING COMMISSIONER ST. JULIEN:** And  
3 Mr. Rico I am looking at a hearing checklist  
4 that has gone by, it looks like the name on here  
5 is Villego V-I-L-L-E-G-O and it's dated maybe  
6 9/27/05.

7           **DEPUTY DISTRICT ATTORNEY RICO:** I have  
8 that same checklist and those documents and I am  
9 prepared to --

10          **PRESIDING COMMISSIONER ST. JULIEN:** Okay  
11 thank you. Do you have any additional  
12 documents?

13          **ATTORNEY HALL:** Yes Commissioner we have  
14 a chrono and a checklist and a couple other  
15 documents.

16          **PRESIDING COMMISSIONER ST. JULIEN:** One  
17 of the officers will -- And do you have any  
18 preliminary objections?

19          **DEPUTY DISTRICT ATTORNEY RICO:** There  
20 isn't any.

21          **PRESIDING COMMISSIONER ST. JULIEN:** Thank  
22 you. And will Mr. Glasgow be speaking with us  
23 today?

24          **ATTORNEY HALL:** Yes he will.

25          **PRESIDING COMMISSIONER ST. JULIEN:** Mr.  
26 Glasgow I need you to get an oath. Do you  
27 solemnly swear or affirm that the testimony you

1 give at this hearing will be the truth, the  
2 whole truth and nothing but the truth?

3 **INMATE GLASGOW:** Yes Ma'am.

4 **PRESIDING COMMISSIONER ST. JULIEN:** Okay.

5 I am going to go ahead then and read the summary  
6 of the crime as it appears in the February 2003  
7 board report. And that report was prepared by  
8 Correction Counselor (indiscernible) last name  
9 Minor M-I-N-E-R and approved by the  
10 classification (indiscernible). It states that  
11 on March 4<sup>th</sup>, 1980 the Palo Alto police  
12 department officers responded to the report of a  
13 shooting. On arrival at the scene, the officers  
14 observed the victim (indiscernible) Collins on  
15 the floor of the bedroom. Victim Collins had  
16 been shot several times (indiscernible). No  
17 vital signs were detected and the Palo Alto  
18 paramedics were (indiscernible). At this time  
19 the investigating officers made contact with the  
20 victim Patricia Watts (indiscernible) who was  
21 sitting on a fold out bed (indiscernible)  
22 apartment. Watts had suffered a gunshot wound  
23 to her back. Watts explained that at  
24 approximately five A.M. she heard a knock on the  
25 door and observed the defendant (indiscernible)  
26 inmate in front of the apartment. She indicated  
27 that she would not open the door at that time



1 and returning to bed she remained that way until  
2 morning. The defendant returned and she allowed  
3 him to enter the apartment. She indicated that  
4 he sat in the living room for approximately ten  
5 minutes and played with her daughter.  
6 (indiscernible) bathroom in the hallway of the  
7 apartment and during this time she heard a knock  
8 at the back door. The defendant then allowed  
9 Edmond Duhart D-U-H-A-R-T to enter the  
10 apartment. Watts explained the defendant then  
11 began walking toward the hallway and she  
12 observed that he had a gun in his hand. She  
13 indicated that she ran to the bedroom and  
14 attempted to arouse Collins however the  
15 defendant was at the door to the bedroom and  
16 attempted to get in. She related that the  
17 defendant pushed his way into the bedroom and  
18 during the ensuing struggle the defendant was  
19 firing (indiscernible) at Collins and as she  
20 attempted to protect the victim she was also  
21 wounded. Victim Watts relayed that during this  
22 time that she was in bedroom, the defendant call  
23 for Duhart to come into the room and remove  
24 victim Watts indicating that he tried to pull  
25 her off victim Collins while the defendant was  
26 still shooting at the victim. She indicated  
27 that the defendant fired several shots from the

1 weapon (indiscernible). She then related that  
2 defendant Duhart then left the apartment. So  
3 apparently your (indiscernible) so we will have  
4 to (indiscernible).

5 **DEPUTY COMMISSIONER WOLK:** We are back on  
6 record.

7 **PRESIDING COMMISSIONER ST. JULIEN:** There  
8 seems to be some discrepancies between your  
9 version of what happened that day and what's on  
10 the record here in terms of Ms. Watts and her  
11 testimony. Do you recall that?

12 **INMATE GLASGOW:** Ya, I am not sure what  
13 the Commissioner is mentioning.

14 **PRESIDING COMMISSIONER ST. JULIEN:** Well  
15 the prior transcripts you mentioned that Ms.  
16 Watts was subsequently convicted of perjury for  
17 giving false testimony in your case.

18 **INMATE GLASGOW:** Yes.

19 **PRESIDING COMMISSIONER ST. JULIEN:** So  
20 did you shoot Mr. Collins?

21 **INMATE GLASGOW:** Yes, yes I did.

22 **PRESIDING COMMISSIONER ST. JULIEN:** And  
23 did you shoot him when he was unarmed?

24 **INMATE GLASGOW:** I believe he was armed.  
25 This is what the discrepancy is.

26 **PRESIDING COMMISSIONER ST. JULIEN:** So  
27 why don't you tell us what happened.

1           **INMATE GLASGOW:** He came to the door and  
2 he had somethin in his hand (indiscernible)bein  
3 fired (indiscernible) and we was fighten and she  
4 was pulling on it.

5           **PRESIDING COMMISSIONER ST. JULIEN:** So it  
6 was the three of you correct?

7           **INMATE GLASGOW:** Ya.

8           **PRESIDING COMMISSIONER ST. JULIEN:** Mr.  
9 Collins, Ms. Watts, and yourself?

10          **INMATE GLASGOW:** Yes Ma'am.

11          **PRESIDING COMMISSIONER ST. JULIEN:** And  
12 whose gun was it?

13          **INMATE GLASGOW:** It was my gun.

14          **PRESIDING COMMISSIONER ST. JULIEN:** And  
15 did you bring it to the house with you?

16          **INMATE GLASGOW:** Yes Ma'am.

17          **PRESIDING COMMISSIONER ST. JULIEN:** And  
18 how did they know that you had a gun?

19          **INMATE GLASGOW:** They didn't know, until  
20 after was bein fired.

21          **PRESIDING COMMISSIONER ST. JULIEN:** So  
22 you all just kind of got in a fight?

23          **INMATE GLASGOW:** No, when I went to open  
24 the door for Mr. Dunhart evidentially she woke  
25 Mr. Collins up. I was in the bathroom and  
26 that's when we started fighten.

27          **PRESIDING COMMISSIONER ST. JULIEN:** So

1 you came out of the bathroom then did Mr.  
2 Collins approach you at start physically  
3 fighting with you?

4 **INMATE GLASGOW:** He had somethin in his  
5 had.

6 **PRESIDING COMMISSIONER ST. JULIEN:** Do  
7 you know what that was?

8 **INMATE GLASGOW:** I thought it was a gun,  
9 maybe it was a gun. But I was afraid of it and  
10 the fear might a took over. But I did shoot  
11 him.

12 **PRESIDING COMMISSIONER ST. JULIEN:** How  
13 many times did you shoot him?

14 **INMATE GLASGOW:** I don't know nothin  
15 about nothin.

16 **PRESIDING COMMISSIONER ST. JULIEN:** Do  
17 you remember how Ms. Watts got shot?

18 **INMATE GLASGOW:** No I don't. I didn't  
19 know she been shot.

20 **PRESIDING COMMISSIONER ST. JULIEN:** So  
21 were there just bullets going off?

22 **INMATE GLASGOW:** She was jerking on his  
23 arm and all three of us was fighten. It's hard  
24 for me to describe but I was afraid and I don't  
25 think she intentionally lied. I think she was  
26 hollering and screaming. I know I was afraid of  
27 I had contact with this man before.

1           **PRESIDING COMMISSIONER ST. JULIEN:** So  
2 you were afraid of him, did he live there? Did  
3 he live with Ms. Watts?

4           **INMATE GLASGOW:** No, they just  
5 occasionally stayed together.

6           **PRESIDING COMMISSIONER ST. JULIEN:** Did  
7 you know that he was there?

8           **INMATE GLASGOW:** No.

9           **PRESIDING COMMISSIONER ST. JULIEN:** So  
10 when you went to Ms. Watts' apartment and you  
11 spent some time with her child and all that you  
12 didn't know that Collins' was there?

13           **INMATE GLASGOW:** No.

14           **DEPUTY COMMISSIONER WOLK:** What were you  
15 doing there?

16           **INMATE GLASGOW:** I just stopped there to  
17 see my niece. I heard she was havin trouble.

18           **DEPUTY COMMISSIONER WOLK:** The girl that  
19 you were talking with in the living room was  
20 your niece?

21           **INMATE GLASGOW:** Yes, it my gran --

22           **PRESIDING COMMISSIONER ST. JULIEN:** So do  
23 remember pulling the trigger?

24           **INMATE GLASGOW:** I had my hand on the  
25 trigger and she was pulling the gun.

26           **PRESIDING COMMISSIONER ST. JULIEN:** The  
27 gun was fired several times.

1           **INMATE GLASGOW:** Ya but I never did stand  
2 back and fire all them in his body or anything  
3 that the crime say. She was hollering and  
4 screaming and pulling on the gun.

5           **PRESIDING COMMISSIONER ST. JULIEN:** So  
6 how do you feel about this crime now?

7           **INMATE GLASGOW:** I feel like I am  
8 responsible for it and I sorry it had to happen.  
9 It affected me and it affected my family and it  
10 affected his family. And I know that they  
11 suffer from it and so have I. If I could redo  
12 it again I would do it much different.

13           **PRESIDING COMMISSIONER ST. JULIEN:** And  
14 how would you redo it?

15           **INMATE GLASGOW:** I would take the chance  
16 in turning myself over to the care of God and I  
17 wouldn't leave the scene like I did.

18           **PRESIDING COMMISSIONER ST. JULIEN:** And  
19 why do you think that you left?

20           **INMATE GLASGOW:** I was afraid. Fear took  
21 over and I was afraid. I did shoot the man and  
22 I proves I was (indiscernible).

23           **PRESIDING COMMISSIONER ST. JULIEN:** In  
24 some of letters from law enforcement following  
25 your arrest it said that you didn't show any  
26 remorse about shooting Mr. Collins and Ms.  
27 Watts. Do you remember that? That you didn't

1 show that you were sorry for killing Mr.

2 Collins?

3 **INMATE GLASGOW:** It was murder, I killed  
4 a man I am sorry. That's my family. I love my  
5 niece. I (indiscernible) that's why I stopped.

6 **DEPUTY COMMISSIONER WOLK:** Why were you  
7 carrying a gun?

8 **INMATE GLASGOW:** Palo Alto is a very bad  
9 place. When I go there, I been jumped before I  
10 been a couple of times. It's a bad place and  
11 they have a lot of after hours (indiscernible).

12 **PRESIDING COMMISSIONER ST. JULIEN:** Up  
13 until that shooting you were in trouble a lot.

14 **INMATE GLASGOW:** Yes.

15 **PRESIDING COMMISSIONER ST. JULIEN:** I  
16 have over 82 arrests. That is a huge, huge  
17 extensive arrest record. Can you explain that?

18 **INMATE GLASGOW:** I (indiscernible).

19 **PRESIDING COMMISSIONER ST. JULIEN:** A lot  
20 of burglaries, forgery, carrying concealed  
21 weapons, battery. So what kind of life were you  
22 leading?

23 **INMATE GLASGOW:** Terrible life Ma'am.

24 **PRESIDING COMMISSIONER ST. JULIEN:** And  
25 then that we have that you had a heroine  
26 addiction for over 23 years?

27 **INMATE GLASGOW:** Yes, that's part of the



1 reason.

2           **PRESIDING COMMISSIONER ST. JULIEN:** So  
3 did you become addicted to heroine?

4           **INMATE GLASGOW:** Living (indiscernible).

5           **PRESIDING COMMISSIONER ST. JULIEN:** But  
6 there are -- how many other people did you know  
7 from the same environment and the same  
8 conditions that became addicted to heroine?

9           **INMATE GLASGOW:** All my associates.

10          **PRESIDING COMMISSIONER ST. JULIEN:** What  
11 about member's or your family?

12          **INMATE GLASGOW:** No.

13          **PRESIDING COMMISSIONER ST. JULIEN:** So  
14 what made you different from them?

15          **INMATE GLASGOW:** I guess the time and  
16 era.

17          **PRESIDING COMMISSIONER ST. JULIEN:** What  
18 do you think was in your character or your  
19 personality or your life that led you to become  
20 addicted to heroine and do all these crimes  
21 other than the conditions that you were living  
22 in?

23          **INMATE GLASGOW:** Well my association in a  
24 count of (indiscernible) hanging around  
25 different kinds of people. When I was young I  
26 didn't have a father figure. So I thought about  
27 that and that the only reason I can come up

1 with.

2           **PRESIDING COMMISSIONER ST. JULIEN:** But  
3 do you think that there are other people who  
4 were in your same situation and who didn't lead  
5 this kind of life of extensive heroine use as  
6 well as having such a long criminal history?  
7 What was in you? Do you know what was in your  
8 personality?

9           **INMATE GLASGOW:** I was rebellious  
10 (indiscernible).

11           **PRESIDING COMMISSIONER ST. JULIEN:** And  
12 rebellious toward what?

13           **INMATE GLASGOW:** I was rebellious toward  
14 (indiscernible) my mother gave me and rebellious  
15 toward authority.

16           **PRESIDING COMMISSIONER ST. JULIEN:** So  
17 why was it difficult for you to want to accept  
18 authority?

19           **INMATE GLASGOW:** Well I just kept  
20 rebelling when I was young. (indiscernible)

21           **PRESIDING COMMISSIONER ST. JULIEN:** So is  
22 going in and out of jail and using heroine, is  
23 that an easy life?

24           **INMATE GLASGOW:** It was very hard.

25           **PRESIDING COMMISSIONER ST. JULIEN:** I  
26 note that you had gone to recovery centers  
27 periodically but apparently they didn't seem to

1 work for you. So it was a hard life and you did  
2 seek out help every now and then. What do you  
3 think still made you pursue this path?

4 **INMATE GLASGOW:** I didn't accept, I  
5 thought about that to. I didn't accept God in  
6 my life then. To follow in his steps I have  
7 accepted God in my life now.

8 **PRESIDING COMMISSIONER ST. JULIEN:** What  
9 do you think took you so long?

10 **INMATE GLASGOW:** Well the drugs probably  
11 was strong and just kept me going back and  
12 forth. I know it wasn't right and I know it  
13 wasn't helpful and I continue to seek some kind  
14 of help.

15 **PRESIDING COMMISSIONER ST. JULIEN:** With  
16 this very, very long history of criminal drug  
17 problems with drug use, why should we think that  
18 you are different today?

19 **INMATE GLASGOW:** I think I learned my  
20 lesson. I think I have matured. I think that I  
21 ready to accept responsibility.

22 **PRESIDING COMMISSIONER ST. JULIEN:** How  
23 old were you when this crime was committed, when  
24 Mr. Collins was shot?

25 **INMATE GLASGOW:** 26 years ago, 1980.

26 **PRESIDING COMMISSIONER ST. JULIEN:** So  
27 how old were you then?

1           **INMATE GLASGOW:** Maybe 38.

2           **PRESIDING COMMISSIONER ST. JULIEN:** So  
3   that's -- you lived pretty much half your life  
4   on the wrong track.

5           **INMATE GLASGOW:** Yes Ma'am, I know it. I  
6   don't have very many years left and I want to do  
7   it right.

8           **PRESIDING COMMISSIONER ST. JULIEN:** So  
9   when you were on the outside and you working,  
10   you were a construction laborer and a master  
11   barber?

12          **INMATE GLASGOW:** Yes Ma'am.

13          **PRESIDING COMMISSIONER ST. JULIEN:** And  
14   at the time of this crime you were married to  
15   Yvette and you have one child. Was it a boy or  
16   a girl?

17          **INMATE GLASGOW:** Girl.

18          **PRESIDING COMMISSIONER ST. JULIEN:** Is it  
19   --

20          **INMATE GLASGOW:** Abidania.

21          **PRESIDING COMMISSIONER ST. JULIEN:**  
22   Abidania. And how is she doing now?

23          **INMATE GLASGOW:** She very  
24   (indiscernible). She lives in Santa Clara  
25   County.

26          **PRESIDING COMMISSIONER ST. JULIEN:** And  
27   are you currently married?

1           **INMATE GLASGOW:** Yes Ma'am.

2           **PRESIDING COMMISSIONER ST. JULIEN:** And  
3 is that still to Yvette?

4           **INMATE GLASGOW:** No Ma'am. I am married  
5 to Diane in Stockton.

6           **DEPUTY COMMISSIONER WOLK:** You just got  
7 married didn't you, couple years ago?

8           **INMATE GLASGOW:** Couple years ago. Yes  
9 Sir.

10          **PRESIDING COMMISSIONER ST. JULIEN:** And  
11 how did you meet Diane?

12          **INMATE GLASGOW:** I've known her for  
13 awhile, since 1963.

14          **PRESIDING COMMISSIONER ST. JULIEN:** And  
15 if you were paroled you would choose to live  
16 with Diane?

17          **INMATE GLASGOW:** Yes Ma'am.

18          **PRESIDING COMMISSIONER ST. JULIEN:** She  
19 lives in Stockton?

20          **INMATE GLASGOW:** Yes Ma'am.

21          **PRESIDING COMMISSIONER ST. JULIEN:** If  
22 you couldn't go to Stockton and you lived with  
23 your brother in law Louis in San Jose?

24          **INMATE GLASGOW:** Yes Ma'am.

25          **PRESIDING COMMISSIONER ST. JULIEN:** And  
26 in terms of employment you would work at Big  
27 Ed's Furniture and that is in Stockton? And the

1 owner of Big Ed's is Edward Smith and he is  
2 married to your grand daughter?

3 **INMATE GLASGOW:** Yes Ma'am.

4 **PRESIDING COMMISSIONER ST. JULIEN:** And  
5 then you also have a job offer from Irving  
6 Goodwin and he has a non-profit organization in  
7 Menlo Park, (indiscernible) County. Then it  
8 notes that you also have your sponsor? Is that  
9 in NA or AA sponsor?

10 **INMATE GLASGOW:** NA.

11 **PRESIDING COMMISSIONER ST. JULIEN:**  
12 (indiscernible) Sponsor is your step daughter.

13 **INMATE GLASGOW:** Yes Ma'am.

14 **PRESIDING COMMISSIONER ST. JULIEN:** And  
15 then apparently you have written a letter of  
16 remorse to the families of the victims.

17 **INMATE GLASGOW:** Three times.

18 **PRESIDING COMMISSIONER ST. JULIEN:** And  
19 what happened to Patricia Watts? She changed to  
20 another last name now right?

21 **INMATE GLASGOW:** She is deceased.

22 **PRESIDING COMMISSIONER ST. JULIEN:** Oh  
23 she died?

24 **INMATE GLASGOW:** Yes Ma'am.

25 **PRESIDING COMMISSIONER ST. JULIEN:** Of  
26 what?

27 **INMATE GLASGOW:** I am not certain.

1           **PRESIDING COMMISSIONER ST. JULIEN:** Do  
2 you know how long ago she died?

3           **INMATE GLASGOW:** About six years prior to  
4 this hearing.

5           **PRESIDING COMMISSIONER ST. JULIEN:** So  
6 for your support letters, you have a petition  
7 that was done on your behalf and I think that  
8 your wife Diane had initiated the petition and  
9 on the cover she did reasons why you should be  
10 paroled and these are taken from some  
11 (indiscernible). And she has, I think there are  
12 two pages of the petition. It looks like we  
13 have about 50 signatures.

14           **INMATE GLASGOW:** Ya.

15           **PRESIDING COMMISSIONER ST. JULIEN:** A  
16 petition of people who have signed between 2004  
17 and 2005 for you to (indiscernible). That must  
18 be a nice feeling to have that type of support.

19           **INMATE GLASGOW:** Yes it does.

20           **PRESIDING COMMISSIONER ST. JULIEN:** And  
21 then we also have a letter from Jay Monteo-Mery,  
22 is this a hyphenated name and the last name is  
23 M-O-N-T-E-O dash M-E-R-Y and she is your great  
24 grand daughter. Is that correct?

25           **INMATE GLASGOW:** Yes Ma'am.

26           **PRESIDING COMMISSIONER ST. JULIEN:** She  
27 says that I know that he will be a good grand



1 father. I want him to come home. She is eight  
2 years old. Then we have a letter from the  
3 Veterans Emergency Housing. Now were you a  
4 veteran?

5 **INMATE GLASGOW:** No Ma'am.

6 **PRESIDING COMMISSIONER ST. JULIEN:** It's  
7 signed by Irving Goodwin G-O-O-D-W-I-N and he  
8 is the (indiscernible) and I am not sure where  
9 it is. It must be in the --

10 **INMATE GLASGOW:** Palo Alto.

11 **PRESIDING COMMISSIONER ST. JULIEN:** And  
12 this is a letter of employment and Mr. Goodwin  
13 says that he is the Chief Executive Officer of a  
14 non-profit organization and I have committed  
15 myself to providing steady employment in the  
16 areas (indiscernible). Mr. Glasgow will be  
17 working Monday through Friday from eight to four  
18 thirty at the rate of eleven dollars an hour  
19 (indiscernible).

20 **DEPUTY COMMISSIONER WOLK:** Are we still  
21 on record?

22 **PRESIDING COMMISSIONER ST. JULIEN:** I  
23 think we have to stop.

24 **DEPUTY COMMISSIONER WOLK:** We are back on  
25 record.

26 **PRESIDING COMMISSIONER ST. JULIEN:** Okay,  
27 so we are going through the letters here and we

1 have a (indiscernible) they were offering you  
2 employment and then Mr. Goodwin also explained  
3 that he knows that you will have different  
4 restrictions on parole and he is willing to  
5 adjust your work schedule. And then Big Ed, I  
6 think that I read that one already. Then Lloyd  
7 Woods who is your brother in law and he says, my  
8 brother in law Mr. Brice Glasgow has shown an  
9 overwhelming amount of remorse over the crime  
10 which he committed over 20 years ago. While  
11 serving his sentence he has missed out on the  
12 birth of his daughter, he has missed birthdays,  
13 holidays and graduations. Brice (indiscernible)  
14 death of his mother. He has missed out on  
15 spending time with her and his family during her  
16 illness which caused her death. Not being  
17 allowed to take part in the funeral services for  
18 his mother was very important to Brice. We love  
19 Brice and miss him and would love for him to  
20 come home. And then Diann Glasgow and that is  
21 D-I-A-N-N and she is your wife and she lives in  
22 Stockton. She says that we met in 1962 and I  
23 have (indiscernible) for years. I have been a  
24 licensed cosmetologist for 30 years and she has  
25 lived in her current home for 16 years. She  
26 goes on to say, he has my support emotionally  
27 and financially. I will encourage him and

1 assist him as needed which is accompany him to  
2 appointments and provide him transportation  
3 (indiscernible). Brice has always been a very  
4 nice to me and treated me with respect. I feel  
5 that he has learned from his mistakes and will  
6 be a good citizen. (indiscernible) excellent  
7 youth advisor and a faithful member of Second  
8 Baptist Church (indiscernible). And then Denise  
9 Sanders S-A-N-D-E-R-S and she is your step  
10 daughter and she says that she is a licensed by  
11 the board of vocational nurses and psychiatric  
12 technician. A major part of my training was at  
13 Recovery House an alcohol and drug treatment  
14 facility. I am very familiar with the 12 step  
15 alcohol and drug treatment program. And she  
16 says that I am willing to sponsor him upon his  
17 release on parole for the purpose of his  
18 continued sobriety. I have also talked to him  
19 about sharing his experiences with troubled  
20 youth in the community. He has expressed a  
21 sincere desire to become a valuable part of our  
22 community (indiscernible). And then there is a  
23 letter from Jeffry Glasgow and he must be a  
24 relative of yours. How is he related to you?

25 **INMATE GLASGOW:** My brother's son.

26 **PRESIDING COMMISSIONER ST. JULIEN:** Okay  
27 your nephew.

1           **INMATE GLASGOW:**   Yes.

2           **PRESIDING COMMISSIONER ST. JULIEN:**   He  
3   says dear Brice we have received your letter of  
4   remorse after many meetings and discussion we  
5   have agreed to welcome you back into the family  
6   under certain conditions.   Number one, change  
7   your environment.   I don't know what that means.  
8   Number two find employment.   Number three  
9   continue to be involved with some kind of  
10   sobriety program (indiscernible) parole.   You  
11   have changed into another person and we want you  
12   to keep up the good work.   And then this is a  
13   copy of (indiscernible).   Did I miss any  
14   letters?   Is there anything -- . . We have -- the  
15   board sends out 3042 notices and those are noted  
16   that go to law enforcement and the courts  
17   letting them know that you are having this  
18   parole consideration hearing and we have a  
19   letter here from the Palo Alto police department  
20   and it is signed by Agent Natasha Powers P-O-W-  
21   E-R-S and she is the detective from robbery  
22   homicide and she says actually, she has some  
23   names mixed up here in this letter and but they  
24   are recommending against the parole Vosgow and  
25   she has your name spelled wrong Mr. Vosgow is  
26   convicted of intentionally killing Ralph Collins  
27   and inflicting a gunshot wound to the back of

1 his niece Patricia Watts in March of 1980.

2 **DEPUTY DISTRICT ATTORNEY RICO:** Sorry to  
3 interrupt but I had faxed to me a copy of a  
4 letter signed by Agent Robert Vonilla from the  
5 police department that may supersede that. Do  
6 you have that?

7 **PRESIDING COMMISSIONER ST. JULIEN:** Yes I  
8 have it but it came in the late mail and it  
9 doesn't have a date.

10 **DEPUTY DISTRICT ATTORNEY RICO:** I don't  
11 see a date on it but I just received it and I  
12 note that the former letter was March 28<sup>th</sup> of 05  
13 and I think that the letter that was in the late  
14 mail is the updated letter that may resolve  
15 those issues.

16 **PRESIDING COMMISSIONER ST. JULIEN:** I'm  
17 sorry.

18 **ATTORNEY HALL:** What letter is that  
19 Commissioner?

20 **PRESIDING COMMISSIONER ST. JULIEN:** It's  
21 the very last letter in the updated materials  
22 and it's signed by Agent Robert Vonilla V-O-N-I-  
23 L-L-A.

24 **ATTORNEY HALL:** It looks like November 2<sup>nd</sup>  
25 which would be today's date. And we would  
26 object to its use at this hearing.

27 **PRESIDING COMMISSIONER ST. JULIEN:** Both

1 letters I think pretty much contain the same  
2 information. Ms. Powers's letter however has  
3 some errors in it. But like I said before I  
4 think we know the jest of this and Mr. Vonilla's  
5 letter will take into consideration today and we  
6 will make due with Agent Powers letter and she  
7 goes on to recount the particulars of the crime  
8 but she does remark that the detectives who  
9 responded to the case said that Mr. Glasgow was  
10 detached and showed absolutely no emotion. The  
11 detectives that prepared the case commented that  
12 Mr. Glasgow understood the gravity of his  
13 actions and accepted no responsibility for  
14 (indiscernible) and demonstrated no remorse.  
15 And then she goes on to say the shooting of his  
16 niece and the murder of her boyfriend was a  
17 result of Glasgow not liking Collins. Watts  
18 willingly allowed Glasgow into her home  
19 believing he was there for innocent purposes.  
20 She had no idea he planned to shoot and kill  
21 Collins. The shooting occurred after Glasgow  
22 allowed Duhart into the home and (indiscernible)  
23 killing. Glasgow was so full of hate for  
24 Collins that he did not care that his own niece  
25 (indiscernible) to prevent Glasgow from killing  
26 him. So Mr. Glasgow was Mr. Collins sleeping  
27 when he was shot?

1           **INMATE GLASGOW:**   No Ma'am.

2           **PRESIDING COMMISSIONER ST. JULIEN:**   Did  
3   you hate him?

4           **INMATE GLASGOW:**   I didn't hate him I was  
5   scared of him.

6           **PRESIDING COMMISSIONER ST. JULIEN:**   Did  
7   you plan to kill him?

8           **INMATE GLASGOW:**   No Ma'am.

9           **PRESIDING COMMISSIONER ST. JULIEN:**   So do  
10   you think that this letter that from the Palo  
11   Alto police department is this letter accurate?

12          **INMATE GLASGOW:**   No Ma'am.

13          **PRESIDING COMMISSIONER ST. JULIEN:**   So we  
14   have done your parole plans and job offers,  
15   Commissioner Wolk would you like to continue?

16          **DEPUTY COMMISSIONER WOLK:**   Okay.   I am to  
17   talk about your programming and you post-  
18   conviction factors and when I am done you can  
19   add anything that you'd like or correct any  
20   mistakes that I have made.   I show that you are  
21   currently working in PIA textiles.

22          **INMATE GLASGOW:**   Yes Sir.

23          **DEPUTY COMMISSIONER WOLK:**   And you have  
24   been there about the last twenty years or so.

25          **INMATE GLASGOW:**   Yes Sir.

26          **DEPUTY COMMISSIONER WOLK:**   And you have  
27   learned to operate several different types of



1 machines and you are currently a sewing machine  
2 operator.

3 **INMATE GLASGOW:** Yes.

4 **DEPUTY COMMISSIONER WOLK:** Is it possible  
5 to receive a certificate of completion in PIA  
6 textiles?

7 **INMATE GLASGOW:** No, they was talking  
8 about it but they never did (indiscernible).

9 **DEPUTY COMMISSIONER WOLK:** So you have  
10 gone -- it looks like you have done about  
11 everything that you can possibly do in that  
12 program and you have become skilled and could  
13 probably get employment in that area if you  
14 wanted to.

15 **INMATE GLASGOW:** Developmental upholstery  
16 with (indiscernible) talked to the guy and if I  
17 could possibly get out (indiscernible).

18 **DEPUTY COMMISSIONER WOLK:** You have also  
19 worked in culinary on the lunch box crew, you  
20 were a lock stitch operator, trash crew, porter,  
21 small press operator, dining hall worker, and  
22 you worked in the vocational print shop for  
23 awhile as well. Did you complete that program?

24 **INMATE GLASGOW:** Yes Sir.

25 **DEPUTY COMMISSIONER WOLK:** You have a  
26 vocational certificate of completion?

27 **INMATE GLASGOW:** Yes, it should be in

1 that file somewhere.

2 **DEPUTY COMMISSIONER WOLK:** Okay, I  
3 thought I saw it but I wasn't -- well anyway.  
4 You also worked as a yard attendant and in the  
5 license plate factory way back when in Folsom.

6 **INMATE GLASGOW:** Yes Sir.

7 **DEPUTY COMMISSIONER WOLK:** You have your  
8 GED?

9 **INMATE GLASGOW:** Yes Sir.

10 **DEPUTY COMMISSIONER WOLK:** You are a  
11 volunteer in the academic department distance  
12 learning program, you participate in the life  
13 skills program, and you also took a course in  
14 introduction to Spanish. As far as self help is  
15 concerned, you have been a regular participant  
16 in NA and AA for many years. You have also  
17 taken anger management, the impact program,  
18 inmate employability program, key to father hood  
19 class, you have taken several anger management  
20 classes, also the entrepreneur development  
21 class, the infectious disease series, science of  
22 the mind foundation course, you participated in  
23 the (indiscernible), and you have been a member  
24 of the lifer's association community awareness  
25 group. You have more laudatory chronos in your  
26 file than I have ever seen before. There must  
27 be a hundred of them in there.

1           **INMATE GLASGOW:** I try to better myself.

2           **DEPUTY COMMISSIONER WOLK:** You are to be  
3 commended for that.

4           **INMATE GLASGOW:** Thank you.

5           **DEPUTY COMMISSIONER WOLK:** As far as your  
6 disciplinary history is concerned, you have  
7 three CDC 115. The first was June 1993 for  
8 disobeying a direct order to submit a urine  
9 sample. The second was June 15<sup>th</sup>, of 1993 for  
10 disobeying a direct order to submit to a urine  
11 sample and the last one was October 24<sup>th</sup> of 1999  
12 for possession of poker chips. Is that right?

13           **INMATE GLASGOW:** Yes Sir.

14           **DEPUTY COMMISSIONER WOLK:** Were you  
15 gambling?

16           **INMATE GLASGOW:** No I just had the chips.

17           **DEPUTY COMMISSIONER WOLK:** So you have  
18 three 115's, two in 1993 and one in 1999. You  
19 have five 128A's the first one was in 1986  
20 failing to answer to docket, second in 1989  
21 failing to lock up, third in 1996 for poor job  
22 performance, the fourth in 1999 for altering  
23 state property, and the fifth was in 2002 for  
24 smoking. Have you stopped smoking?

25           **INMATE GLASGOW:** Yes Sir.

26           **DEPUTY COMMISSIONER WOLK:** After that?

27           **INMATE GLASGOW:** I don't smoke anymore,

1 they made me stop.

2 **DEPUTY COMMISSIONER WOLK:** Well that's  
3 good. Add a few more years onto your life.  
4 Okay, last item I am going to talk about is the  
5 psych report that was done in December of 2004  
6 at least that is the last one I have. Have you  
7 had one since then?

8 **ATTORNEY HALL:** That's the one, December  
9 of 2004.

10 **DEPUTY COMMISSIONER WOLK:** This was done  
11 by Doctor Reed staff psychologist. During the  
12 clinical interview inmate Glasgow was alert and  
13 oriented to person, place and time. He was well  
14 dressed and groomed. His speech was articulate  
15 and contextually meaningful. His mood and  
16 affect were within normal limits. His behavior  
17 was appropriate to the setting. No evidence of  
18 mood or thought disorder was demonstrated. His  
19 estimated intellectual functioning is within the  
20 average range. His current diagnostic  
21 impression under Axis I, heroine dependence is  
22 sustained full remission in a controlled  
23 environment. He notes that you pick at several  
24 self help groups, anger management, and  
25 participate in AA and NA through out the years,  
26 also life skills program. He assesses your  
27 dangerousness within a controlled setting to be

1 low relative to the average level two inmate  
2 population. He states that if released to the  
3 community his violence potential is considered  
4 to be no more than that of the average citizen  
5 in the community. There are no significant risk  
6 factors which may be a precursor to violence for  
7 this individual. He is competent and reasonable  
8 and responsible for his behavior. He has the  
9 capacity to abide by institutional standards.  
10 He does not have a mental health disorder which  
11 would necessitate treatment either during his  
12 incarceration period or following upon parole.  
13 This inmate does have a heroine abuse history  
14 however he has remained abstinent from abuse of  
15 heroine for over 23 years and has regularly  
16 attended NA within CDC. And does not appear at  
17 this point to be a significant risk factor for  
18 violence. Continued participation with NA  
19 within CDC no longer appears to be warranted,  
20 however participation within NA as a contingency  
21 for parole for one year is suggested. That  
22 pretty much covers everything that I have been  
23 able see in your file that has to do with  
24 programming. Is there anything that you would  
25 like to add?

26 **INMATE GLASGOW:** No Sir, that is just  
27 about it.

1           **ATTORNEY HALL:** I don't know Commissioner  
2 if you mentioned his participation in the Muslim  
3 Development (indiscernible) anger management  
4 program.

5           **INMATE GLASGOW:** That's true  
6 (indiscernible).

7           **DEPUTY COMMISSIONER WOLK:** And I will now  
8 turn it back over to my colleague.

9           **PRESIDING COMMISSIONER ST. JULIEN:** Thank  
10 you. (indiscernible)2000 in your psychological  
11 evaluation when you were talking about the life  
12 crime you said that the victim had beaten you up  
13 before?

14           **INMATE GLASGOW:** Yes Ma'am.

15           **PRESIDING COMMISSIONER ST. JULIEN:** Is  
16 that correct?

17           **INMATE GLASGOW:** Yes.

18           **PRESIDING COMMISSIONER ST. JULIEN:** Why  
19 did he beat you up?

20           **INMATE GLASGOW:** Well (indiscernible)  
21 four or five guys (indiscernible) come from a  
22 (indiscernible).

23           **PRESIDING COMMISSIONER ST. JULIEN:** How  
24 old was he, I mean were you close in age?

25           **INMATE GLASGOW:** Ya, I think I was two  
26 years older.

27           **PRESIDING COMMISSIONER ST. JULIEN:** Then

1 how did he get involved with your niece?

2 **INMATE GLASGOW:** I don't know. I was  
3 kind of curious about that also because she is  
4 my sister's daughter and I was concerned about  
5 that and come to find out that she  
6 (indiscernible). I was concerned about it.

7 **PRESIDING COMMISSIONER ST. JULIEN:** So  
8 did you know he was there the day of the  
9 shooting?

10 **INMATE GLASGOW:** No Ma'am.

11 **PRESIDING COMMISSIONER ST. JULIEN:** So  
12 going back to your heroine days, were you using  
13 heroine at the time of the crime?

14 **INMATE GLASGOW:** No, I was doin a  
15 maintenance program.

16 **PRESIDING COMMISSIONER ST. JULIEN:** And  
17 how long had you been on that?

18 **INMATE GLASGOW:** For about a year.

19 **PRESIDING COMMISSIONER ST. JULIEN:** So  
20 again, do you know why you stayed addicted to  
21 heroine for so many years? I know you have the  
22 previous attempts at trying to stop.

23 **INMATE GLASGOW:** I just determined not to  
24 let it kill me off completely. It's a strong  
25 drug and takes control of you but I kept  
26 fighting it and wouldn't give into it. This is  
27 why I got on the (indiscernible) maintenance

**EXHIBIT 2**  
**Part 2 of 2**



1 program.

2           **PRESIDING COMMISSIONER ST. JULIEN:** And  
3 how do you feel about your heroine use now?

4           **INMATE GLASGOW:** I feel good about my  
5 (indiscernible).

6           **PRESIDING COMMISSIONER ST. JULIEN:** When  
7 you were using heroine? How do you think that  
8 affected your life?

9           **INMATE GLASGOW:** (indiscernible)

10          **PRESIDING COMMISSIONER ST. JULIEN:** Would  
11 you ever use it again?

12          **INMATE GLASGOW:** No Ma'am.

13          **PRESIDING COMMISSIONER ST. JULIEN:** Why  
14 not?

15          **INMATE GLASGOW:** Because I know what it  
16 will do to you Ma'am. (indiscernible).

17          **PRESIDING COMMISSIONER ST. JULIEN:** How  
18 do you explain the long heroine use and your  
19 offenses, arrest record with all of your  
20 laudatories and good behavior in prison? How  
21 did that change come about?

22          **INMATE GLASGOW:** I had to work  
23 (indiscernible) and all different arrests the  
24 main thing Ma'am, drug addiction.  
25 (indiscernible) and habit. Now I don't have the  
26 habit.

27          **PRESIDING COMMISSIONER ST. JULIEN:** And

1 how were you able to stop because I think that  
2 we all know that heroine use is often available  
3 in prison.

4 **INMATE GLASGOW:** By participating in the  
5 programs and being active and doin the right  
6 thing. Positive things. Do things to better my  
7 life. (indiscernible) and that's my future. I  
8 know that you made a statement that they said  
9 that I didn't feel no remorse, I have to feel  
10 remorse because my family is involved. My niece  
11 was pregnant (indiscernible). When they was  
12 babies I used to send my niece all the money I  
13 could (indiscernible) everything I could but I  
14 knew it wasn't much but it was the best that I  
15 could do.

16 **PRESIDING COMMISSIONER ST. JULIEN:** You  
17 would send them money?

18 **INMATE GLASGOW:** Ya. I knew it was the  
19 kid's father so I tried to do did everything I  
20 could (indiscernible). (indiscernible) where  
21 there father was. It kind of hurts me  
22 (indiscernible).

23 **PRESIDING COMMISSIONER ST. JULIEN:** Any  
24 other questions? Mr. Rico do you have questions  
25 for Mr. Glasgow?

26 **DEPUTY DISTRICT ATTORNEY RICO:** Yes I do  
27 Commissioner and I will address them to the

1 panel. I am a little bit confused about some  
2 things, I don't mean to repeat. It is my  
3 understanding that Mr. Glasgow was 38 at the  
4 time of the life crime and the victim according  
5 to the autopsy information was 30 is that about  
6 right. Does Mr. Glasgow remember that?

7 **INMATE GLASGOW:** I don't really know his  
8 age.

9 **DEPUTY DISTRICT ATTORNEY RICO:** That's  
10 fine. I guess that some of the things that I am  
11 wondering about in terms of the life crime. The  
12 file indicates that on March 1<sup>st</sup>, 1980 that Mr.  
13 Glasgow went over to his niece's residence about  
14 five o'clock in the morning. Is that accurate?

15 **INMATE GLASGOW:** It was early.

16 **DEPUTY DISTRICT ATTORNEY RICO:** Why did  
17 you go over so early?

18 **INMATE GLASGOW:** Because as it was stated  
19 I was on this methadone maintenance program and  
20 you had to pick your medicine up early and I  
21 didn't want to miss that so I stayed up.

22 **DEPUTY DISTRICT ATTORNEY RICO:** So I  
23 guess what I am asking you is why did he go over  
24 to his niece's residence that morning?

25 **INMATE GLASGOW:** Because I was concerned  
26 about her.

27 **DEPUTY DISTRICT ATTORNEY RICO:** Concerned

1 about what?

2 **INMATE GLASGOW:** I was going to San  
3 Francisco so I was concerned about my niece so I  
4 stopped there.

5 **DEPUTY DISTRICT ATTORNEY RICO:** And I  
6 heard Mr. Glasgow indicate earlier that it was  
7 his gun and he took it with him is that  
8 accurate?

9 **INMATE GLASGOW:** Yes.

10 **DEPUTY DISTRICT ATTORNEY RICO:** What I am  
11 wondering is since it looks like Mr. Glasgow in  
12 addition to the 82 arrests, had four prior  
13 felony convictions. What did he have a gun for  
14 anyway?

15 **INMATE GLASGOW:** Because the area that I  
16 was in. (indiscernible) been beaten up there a  
17 couple times before.

18 **DEPUTY DISTRICT ATTORNEY RICO:** But the  
19 crime itself took place in the city of Palo Alto  
20 which is in Santa Clara County and not East Palo  
21 Alto which is in San Mateo County. Isn't that  
22 true?

23 **INMATE GLASGOW:** Well it split up, they  
24 split the county. Palo Alto is split county.

25 **DEPUTY DISTRICT ATTORNEY RICO:** I guess  
26 what I am asking is it would appear that the  
27 shooting took place at his niece's residence at

1 1179 Amarillo A-M-A-R-I-L-L-O in Palo Alto.

2 Where exactly was that? Does Mr. Glasgow

3 remember what area of town?

4 **INMATE GLASGOW:** No, it's Palo Alto

5 (indiscernible).

6 **DEPUTY DISTRICT ATTORNEY RICO:** In terms

7 of the weapon, I note that in that report

8 Commissioner you referred to the psych report

9 from May 4<sup>th</sup>, of 2000 under review of the life

10 crime, at that time Mr. Glasgow was saying that

11 he killed the victim with the victim's own gun

12 purely in self defense which is different from

13 what he is saying today. Could he comment on

14 those discrepancies in the last five years, the

15 different stories?

16 **INMATE GLASGOW:** It because she had lies.

17 I am telling the truth today.

18 **DEPUTY DISTRICT ATTORNEY RICO:** So does

19 Mr. Glasgow say that he was lying as recently as

20 May of 2000 about how the life crime took place?

21 **INMATE GLASGOW:** I am sorry.

22 **DEPUTY DISTRICT ATTORNEY RICO:** I will

23 rephrase that. Commissioner do you see the

24 question that I am talking about under the life

25 crime there? It's on page four of the 540 --

26 **PRESIDING COMMISSIONER ST. JULIEN:** I see

27 it. So this statement says that you said that

1 you killed Mr. Collins with his gun and you were  
2 acting in self defense. Now did you kill Mr.  
3 Collins with his gun?

4 **INMATE GLASGOW:** I had the gun.

5 **PRESIDING COMMISSIONER ST. JULIEN:** So  
6 why did you say you killed Mr. Collins with his  
7 gun.

8 **INMATE GLASGOW:** I was under the  
9 impression that he had a gun.

10 **PRESIDING COMMISSIONER ST. JULIEN:** Do  
11 you that this doesn't make sense to us?

12 **ATTORNEY HALL:** He said earlier that he  
13 thought that Mr. Collins had a gun.

14 **PRESIDING COMMISSIONER ST. JULIEN:** He  
15 says here that he says he killed the victim with  
16 the victims own gun.

17 **INMATE GLASGOW:** No I had the gun  
18 (indiscernible).

19 **PRESIDING COMMISSIONER ST. JULIEN:** Maybe  
20 the psychologist -- I don't know.

21 **DEPUTY DISTRICT ATTORNEY RICO:** I thought  
22 I heard Mr. Glasgow say a minute ago that he was  
23 telling the truth today. Is he acknowledging  
24 that maybe he wasn't being truthful in 2000  
25 about how the crime really took place? Is that  
26 what he was indicating?

27 **INMATE GLASGOW:** Well if I told him that.

1 then it stayed my mind. I was under the  
2 impression that he had a gun.

3 **DEPUTY DISTRICT ATTORNEY RICO:** I will  
4 let that be enough and not pursue that anymore.  
5 There was some materials that I had submitted to  
6 the board on October 6<sup>th</sup> that included an  
7 autopsy report and crime scene diagram and three  
8 crime scene photos.

9 **PRESIDING COMMISSIONER ST. JULIEN:** Yes,  
10 we received that. I didn't see the photos  
11 unless they are in the C File. We did see the  
12 report of the crime scene and the autopsy and  
13 all of that.

14 **ATTORNEY HALL:** And which I just received  
15 today and again I would urge that it not be  
16 considered as submitted untimeliness.

17 **DEPUTY DISTRICT ATTORNEY RICO:** Well  
18 Commissioner I also would point out that when I  
19 did submit that it was on October 6<sup>th</sup>, 2005 I  
20 overnighted them to Soledad and the last line in  
21 the cover letter said that I am enclosing copies  
22 of the materials for the inmates C File, the BPH  
23 panel and inmate Glasgow's attorney. I would  
24 ask that you forward the copy provided for the  
25 inmate's attorney to counsel immediately so it  
26 is received in timely fashion prior to the above  
27 referred to lifer hearing scheduled for November

1 2<sup>nd</sup>. That was on October 6<sup>th</sup>. I did everything  
2 that I could.

3 **PRESIDING COMMISSIONER ST. JULIEN:** We  
4 all just got these today. I don't know. Mr.  
5 Hall did you receive this before?

6 **ATTORNEY HALL:** No I did not. This is  
7 the first time I am seeing it.

8 **PRESIDING COMMISSIONER ST. JULIEN:** It  
9 was in our updated materials that I actually  
10 gave Mr. Hall his copy. But we just got those  
11 today.

12 **DEPUTY DISTRICT ATTORNEY RICO:** I terms  
13 of submitting it timely, there is nothing more  
14 that I could do unless --

15 **PRESIDING COMMISSIONER ST. JULIEN:** That  
16 is correct. I don't know. The information  
17 would probably be the determining factor.

18 **DEPUTY DISTRICT ATTORNEY RICO:** In any  
19 event, I am also told that sometimes crime scene  
20 photographs are put in something called a sluff  
21 file which is --

22 **PRESIDING COMMISSIONER ST. JULIEN:** Mr.  
23 Wolk is looking for them now.

24 **DEPUTY DISTRICT ATTORNEY RICO:** Thank  
25 you. The line is going to ask the panel for  
26 submission to the inmate is this. I have seen  
27 the letter that Mr. Glasgow wrote to, and it



1 says to the Glasgow, Watts, and Collins Family  
2 and it indicates in it that his, meaning Mr.  
3 Collins, death was never intentional. I guess  
4 what I am kind of confused about here, the  
5 photos show, and I could just ask Mr. Glasgow  
6 that, wasn't Mr. Collins completely naked at the  
7 time he was shot?

8 **INMATE GLASGOW:** I don't know, I didn't  
9 have time enough to view him (indiscernible)  
10 because I was afraid and I was scared.

11 **DEPUTY DISTRICT ATTORNEY RICO:** I guess  
12 he was shot in the bedroom. It that accurate?

13 **INMATE GLASGOW:** It was up against the  
14 door, between the hallway and the bedroom.

15 **DEPUTY DISTRICT ATTORNEY RICO:** I guess  
16 one of the things that confuses me, Mr. Glasgow  
17 came to the apartment and was refused entrance  
18 the first time, the second time he was let in.  
19 Why did Mr. Glasgow after he gained access to  
20 the apartment let in a second individual, Edmond  
21 Duhart, through a back door? Why did he do  
22 that?

23 **INMATE GLASGOW:** It was the first time I  
24 was at the apartment and I didn't know  
25 (indiscernible) was coming in the back. I  
26 didn't know I had someone in the car waitin.

27 **DEPUTY DISTRICT ATTORNEY RICO:** And if

1 Mr. Glasgow was afraid of the victim who  
2 apparently was in the back bedroom, why did Mr.  
3 Glasgow walk from the apartment, the living  
4 area, down the hallway into the bedroom where  
5 Mr. Collins was if Mr. Glasgow was afraid of  
6 him? Why did he go to him?

7 **INMATE GLASGOW:** I didn't walk to the  
8 bedroom, I went to the bathroom.

9 **DEPUTY DISTRICT ATTORNEY RICO:** How did  
10 Mr. Glasgow then wind up in the bedroom with the  
11 gun and with the victim?

12 **INMATE GLASGOW:** He was standing at the  
13 door between the hallway and the bedroom.

14 **DEPUTY DISTRICT ATTORNEY RICO:**  
15 Completely naked?

16 **INMATE GLASGOW:** I don't know if he was  
17 naked or not.

18 **DEPUTY DISTRICT ATTORNEY RICO:** And how  
19 was it, the report seems to indicate that at  
20 some point, when Mr. Glasgow went down and  
21 confronted the victim who was asleep in the bed  
22 in the bedroom and started shooting that Mr.  
23 Glasgow's niece threw her self over the victim  
24 to try to shield him and Mr. Glasgow fired  
25 through the niece into the victim? Is that  
26 accurate?

27 **INMATE GLASGOW:** No Sir.

1           **DEPUTY DISTRICT ATTORNEY RICO:** How did  
2 bullets pass through Mr. Glasgow's niece then?

3           **INMATE GLASGOW:** I don't know as to the  
4 question how.

5           **DEPUTY DISTRICT ATTORNEY RICO:** And the  
6 autopsy report indicates that among the many  
7 wounds to the victim, Ralph Collins, there were  
8 a couple of bullets, one directly above the  
9 right ear canal which had a marginal rim of  
10 abrasion suggesting that the gun was put right  
11 up against the head. How did Mr. Glasgow shoot  
12 the victim in that manner up against the back of  
13 the head if he was fighting him as he has  
14 indicated?

15           **INMATE GLASGOW:** (indiscernible).

16           **DEPUTY DISTRICT ATTORNEY RICO:** I don't  
17 know if those photos have been located but they  
18 show two bullets. All I know is that I sent  
19 them. I don't know what the institution did  
20 with them.

21           **DEPUTY COMMISSIONER WOLK:** We'll take  
22 your word for it.

23           **DEPUTY DISTRICT ATTORNEY RICO:** I will  
24 just ask Mr. Glasgow through the panel this.  
25 Did Mr. Glasgow put the muzzle of the gun right  
26 up against the victim's head and pull the  
27 trigger?

1           **INMATE GLASGOW:** Sir, I know this is not  
2 the time nor the place but nothin no way  
3 (indiscernible) fightin and I was afraid for my  
4 life and I don't know what position the man was  
5 in all I know is that I was fightin for my life.  
6 (indiscernible).

7           **DEPUTY DISTRICT ATTORNEY RICO:** I guess  
8 what I don't understand Mr. Glasgow is  
9 indicating that he was fighting for his life but  
10 it would appear that the victim had no clothing  
11 on and no weapon and Mr. Glasgow was the only  
12 one with a gun and had gone to the victim. Can  
13 he explain how it was that he somehow was  
14 fighting for his life under those circumstances?

15           **ATTORNEY HALL:** We will object to the  
16 premise that in fact that the person was nude or  
17 naked at the time. Mr. Glasgow has said that he  
18 didn't know whether he recall if the man was  
19 naked or not so to include that in the question,  
20 the premise that he was naked I think is  
21 improper.

22           **DEPUTY DISTRICT ATTORNEY RICO:** May I  
23 have just a moment?

24           **PRESIDING COMMISSIONER ST. JULIEN:** Yes.  
25 Can you limit it to one more question?

26           **DEPUTY DISTRICT ATTORNEY RICO:**  
27 Certainly. I know Mr. Glasgow has indicated

1 that his niece was convicted of perjury for  
2 lying but isn't the lie that she was convicted  
3 of perjury for telling the recanting of her  
4 original version. So I guess what I am saying  
5 she wasn't convicted for lying that he did the  
6 crime but she was convicted for lying after the  
7 fact that he hadn't been involved. Isn't that  
8 accurate?

9 **INMATE GLASGOW:** I don't know.

10 **DEPUTY DISTRICT ATTORNEY RICO:** Did Mr.  
11 Glasgow do anything to get his niece to change  
12 her story to try to get him out of trouble?

13 **INMATE GLASGOW:** Got arrested on March  
14 the 1<sup>st</sup> and I been in jail ever since.

15 **DEPUTY DISTRICT ATTORNEY RICO:** I have  
16 nothing further.

17 **PRESIDING COMMISSIONER ST. JULIEN:** Okay  
18 Mr. Hall.

19 **ATTORNEY HALL:** Thank you. This crime  
20 occurred some twenty five years ago, twenty five  
21 and a half years ago, and you are now 64 years  
22 old?

23 **INMATE GLASGOW:** Yes.

24 **ATTORNEY HALL:** In respect to some of the  
25 questions that the Deputy District Attorney was  
26 asking you about in detail about the crime.  
27 Your memory is quite clear as to what happened

1 next?

2 **INMATE GLASGOW:** Yes.

3 **ATTORNEY HALL:** Your memory is quite  
4 clear?

5 **INMATE GLASGOW:** Yes.

6 **ATTORNEY HALL:** Do you have any  
7 recollection during the struggle that your niece  
8 participated in that struggle?

9 **INMATE GLASGOW:** Yes she did.

10 **ATTORNEY HALL:** And as you testified,  
11 this occurred outside the bedroom?

12 **INMATE GLASGOW:** Yes.

13 **ATTORNEY HALL:** And your testimony you  
14 thought that Mr. Collins had a weapon. Is that  
15 correct?

16 **INMATE GLASGOW:** Yes.

17 **ATTORNEY HALL:** You saw that report, or  
18 you heard that various statements that you had  
19 no weapon. Is that true?

20 **INMATE GLASGOW:** Yes.

21 **ATTORNEY HALL:** But you know for sure  
22 that you did have a weapon?

23 **INMATE GLASGOW:** Yes.

24 **ATTORNEY HALL:** And that the shooting  
25 occurred while you were struggling for the  
26 weapon?

27 **INMATE GLASGOW:** Yes.

1           **ATTORNEY HALL:** I have no further  
2 questions.

3           **PRESIDING COMMISSIONER ST. JULIEN:** Mr.  
4 Rico do you have a closing statement?

5           **DEPUTY DISTRICT ATTORNEY RICO:** Yes,  
6 briefly Commissioner. It's true that this life  
7 crime took place some 25 years ago on March 1<sup>st</sup>  
8 or 1980. And here we are 25 years later and Mr.  
9 Glasgow is indicating his version of the events  
10 and they just don't seem to fit what the  
11 information in the packet, in the probation  
12 report, in the file, in the materials that I  
13 submitted. On March 1<sup>st</sup>, 1980 at approximately  
14 five o'clock in the morning the defendant knocks  
15 on the door of his niece, Patricia Watts and she  
16 doesn't let him in because the victim,  
17 apparently someone that Mr. Glasgow has had  
18 issues with in the past is there. According to  
19 all of the information here, asleep in the back  
20 bedroom. So later that morning Mr. Glasgow  
21 returns and his niece lets him in and then for  
22 some reason Mr. Glasgow let's in an acquaintance  
23 this Edmond Duhart in through the back door and  
24 I know that Mr. Glasgow is indicating that  
25 simply went to the bathroom but the indications  
26 are that Mr. Glasgow walked down the hall into  
27 the bedroom where Mr. Collins, this person that

1 he didn't like or had fights with in the past  
2 was in bed. I don't know where those photos  
3 went that I sent on October 6<sup>th</sup> but they the  
4 condition of the victim. I will leave it at  
5 that. But the victim was shot two times in the  
6 back and the head, upper abdomen and indications  
7 are that Patricia Watts at one point during this  
8 attack covered the victim with her own body and  
9 that Mr. Glasgow fired through her into the  
10 victim. Mr. Glasgow seems to be saying that he  
11 has remorse that he is no longer involved with  
12 drugs and that he is a changed person but I do  
13 not hear him coming to terms with the crime. I  
14 hear, but when I look at that 2000 psych eval it  
15 troubles me that according to the clear words by  
16 the author of that report as recently as 2000  
17 Mr. Glasgow is indicating that he killed the  
18 victim with the victims own gun clearly in self  
19 defense. That is what the report says in its  
20 very words. And now he is indicating that yes  
21 it was his gun, Mr. Glasgow's gun that he took  
22 to the residence that day. Somehow because he  
23 was afraid of the area. Although the crime took  
24 place in Palo Alto which is clearly not a high  
25 crime area. It's not the same thing as East  
26 Palo Alto. And we have Mr. Glasgow who has four  
27 prior felony convictions. It's a crime to be a



1 felon in possession of a firearm that he seems  
2 to have no qualms about arming himself and  
3 walking around. He was going up to San  
4 Francisco that day apparently going to take the  
5 gun. There is much more going on here in terms  
6 of how his life crime took place than Mr.  
7 Glasgow seems to be owning up to or accepting  
8 responsibility for. And the current psych eval  
9 I have to take issue with. On page two it says  
10 that under review of the life crime that he,  
11 meaning Mr. Glasgow, showed good insight into  
12 the causative factors related to the instance  
13 offense and I am not seeing that at all. I am  
14 seeing an individual who still can't come to  
15 terms why there is a bullet above the right ear  
16 canal and there is an indication of a muzzle  
17 being pressed up to the skull when he is  
18 claiming that he, Mr. Glasgow was fighting for  
19 his life although the victim wasn't armed and  
20 Mr. Glasgow was the only one armed. The version  
21 I hearing does not make sense and when he says  
22 that the shooting wasn't intentional Mr. Glasgow  
23 is the one that went down the hall. So I think  
24 he has a long way to go. I am not quite sure  
25 and I didn't specifically ask in terms of the  
26 plans getting out, his work plans, the owner of  
27 Big Ed's Furniture seems to indicate that Mr.

1 Glasgow would be employed in sales and delivery  
2 and I'm not sure if that is going to mean that  
3 Mr. Glasgow at age 64 with medical issues that  
4 he's got is going to be out in a truck  
5 delivering heavy furniture. So I don't know if  
6 that is truly a practical plan for him at this  
7 stage in his life. But all things considered  
8 and when we get down to the remorse issue, when  
9 Mr. Glasgow was asked he felt about the crime I  
10 heard him talk about his family, I heard him  
11 talk about the victim's family, and maybe I  
12 missed it but I didn't hear him specifically  
13 talk about how he feels for Mr. Collins losing  
14 his life. He talked about Mr. Collins family  
15 and Mr. Glasgow's family but I didn't hear what  
16 sounded to me like a true indication of remorse  
17 for Mr. Collins losing his life and I don't  
18 know if there is still animosity there. So my  
19 concern is that even though Mr. Glasgow is 64,  
20 is no doubt is a much perhaps living a gentler  
21 or less aggressive lifestyle behind bars but if  
22 he is to get out, if he was to be given a date  
23 and to go back out. I know he has taken anger  
24 management classes while he has been in but when  
25 he was out last time with four prior felony  
26 convictions he didn't hesitate to arm himself  
27 and I truly do not feel from what I have heard

1 today that Mr. Glasgow has reassured anyone that  
2 if he is released he is not going to fall back  
3 into patterns that maybe have gotten him to  
4 where he is today. And I think that until such  
5 time as he truly looks inward and is perhaps  
6 more forthright and comes to terms and gains  
7 insight, true insight into how this crime took  
8 place. What he really did that there is not  
9 indication that under certain circumstances he  
10 wouldn't act like this again. And I think that  
11 he still has work to do and in that regard and  
12 I would submit on those comments I ask that he  
13 be found not suitable. Thank you.

14 **PRESIDING COMMISSIONER ST. JULIEN:** Thank  
15 you. And Mr. Rico we did find the crime scene  
16 photographs. They were in a folder under some  
17 other things. Did you hear me?

18 **DEPUTY DISTRICT ATTORNEY RICO:** Yes I did  
19 but I talked enough so thank you.

20 **PRESIDING COMMISSIONER ST. JULIEN:** Mr.  
21 Hall closing statement.

22 **ATTORNEY HALL:** Yes, thank you. I think  
23 that the Deputy District Attorney's statement  
24 amounts to really an attempt to retry the case.  
25 That was the implication of the questioning of  
26 Mr. Glasgow. Perhaps that was not his intent  
27 but it amounts to that. I think the real issue

1 is whether or not Mr. Glasgow would pose an  
2 unreasonable risk upon society should he be  
3 paroled. And I think the conclusion has to be  
4 that he would not pose such a risk. Here is a  
5 person who is been working on him self, working  
6 through heroine addiction, working through the  
7 fact that having killed someone and taking  
8 responsibility for it. And he has done that.  
9 And I think that he has done that sufficiently  
10 that the psychologist who evaluated him through  
11 out his incarceration has mapped his progress in  
12 that regard and we could go back to the  
13 evaluation that was done by Doctor Kidd back in  
14 1992. Doctor Kidd points out that Mr. Glasgow  
15 violence potential outside the controlled  
16 setting in the past appeared less than average  
17 then at present has decreased. Then we come to  
18 earlier in 1989 Doctor Martin stated that less  
19 controlled setting such as a return to the  
20 community the inmate will likely continue the  
21 present gains if he does not return to his  
22 addiction. In 2000 Doctor Reed wrote that if  
23 released to the community his violence potential  
24 is considered to be no more than the average  
25 citizen in the community. And the Commissioner  
26 has put on the record already the present  
27 psychological assessment essentially that Mr.

1 Glasgow would pose no more risk than the average  
2 citizen in the community if he was to be  
3 paroled. The statements made by Patricia Watts  
4 should be taken with a grain of salt when her  
5 entire testimony in fact. I mean here is a  
6 person convicted of a felony of perjury. I know  
7 the Deputy District Attorney asks questions as  
8 to the specific comments or statements made by  
9 Ms. Watts for which he was convicted of perjury.  
10 We don't know that, if not presented to the  
11 board any transcript of what was said by her,  
12 what the court deemed to have been perjury  
13 (indiscernible). Mr. Glasgow does not know  
14 exactly what lies she told when she testified  
15 but in fact he testified to how the crime  
16 occurred and she testified and between the three  
17 individuals, Mr. Collins, Ms. Watts, and Mr.  
18 Glasgow, she and Mr. Glasgow were the only  
19 remaining witnesses. Any statements that she  
20 made as to how the instances occurred, how the  
21 murder occurred should be taken with a grain of  
22 salt. Certainly Mr. Glasgow has been  
23 forthright, he has been convicted of this crime  
24 and really has no reason to lie about what  
25 happened. The statement by the Agent Powers  
26 describing Mr. Glasgow's domineer stating that  
27 he show no sign of remorse, that was at the time

1 of the crime. I don't know if Agent Powers has  
2 seen any of the psychological evaluations. I  
3 don't know if she has seen or spoken to anyone  
4 since this crime occurred in 1980 and so to base  
5 a conclusion on what she perceived Mr. Glasgow  
6 to be demonstrating back in March of 1980  
7 certainly would be unfair to Mr. Glasgow but  
8 than unfair it's just unreliable and it's not a  
9 reflection of who Mr. Glasgow is today. So I  
10 think that comment, any comment regarding Mr.  
11 Glasgow's perceived lack of remorse should be  
12 discounted and not observed at all. Instead the  
13 various evaluators that assessed Mr. Glasgow has  
14 pointed out that he has shown remorse through  
15 out the time that he has been incarcerated and  
16 again he has demonstrated that the various  
17 petitions submitted on his behalf as his  
18 expressed remorse of Mr. Collins death and the  
19 harm to the families. It is true that he does  
20 mention his family and I think we should keep in  
21 mind that this is a family that two families are  
22 intertwined both are Ms. Watts was his niece  
23 since she is now deceased. Certainly there  
24 would be remorse on both sides and these family  
25 members have, some family members have forgiven  
26 Mr. Glasgow and are urging his release on  
27 parole. Again the evaluators have expressed

1 that Mr. Glasgow has demonstrated that he has  
2 gained insight into what he has done. Certainly  
3 being incarcerated for so long without any kind  
4 of violation for drugs, or controlled substances  
5 of any kind clearly demonstrates that in fact  
6 that he has kicked the habit, that he has been  
7 fighting the heroine addiction that he has been  
8 fighting at a time of the crime. And I think  
9 that he has realistic parole plans. He's got  
10 employment offers as well as marketable skills  
11 and commitment to a residence with his wife.  
12 Given Mr. Glasgow's medical condition I think it  
13 is very unlikely that he would be at risk of  
14 committing any kind of violence or  
15 (indiscernible) against anyone in the community.  
16 And then when you add his age of 64 to that it  
17 certainly would minimize any potential what so  
18 ever he would commit any kind of aggression or  
19 violence against anyone. He has family support,  
20 various family members who will again on his  
21 behalf written parole as well as other community  
22 members and I believe it amounts to some 60  
23 individuals who voice there support as members  
24 of the community supporting Mr. Glasgow's  
25 release on parole. I think overall given Mr.  
26 Glasgow's following of the rules with in the  
27 institution, having rehabilitated him self,

1 having kicked the heroine addiction, and having  
2 sincere and competent plans for the future we  
3 believe at this time he is suitable for parole  
4 and we urge this panel to so decide and grant  
5 Mr. Glasgow parole. Thank you.

6 **PRESIDING COMMISSIONER ST. JULIEN:** Okay,  
7 thank you. Actually I have an unusual - Mr.  
8 Rico I have a question for you before we go on.  
9 Was Mr. Duhart convicted of anything? I know  
10 that he was --

11 **DEPUTY DISTRICT ATTORNEY RICO:** I have a  
12 note here that at the jury trial December 19<sup>th</sup>,  
13 1980 he was found not guilty. I don't have --  
14 The trial prosecutor is here but I don't have a  
15 note about that aspect of it. I don't know if  
16 you wish to -

17 **MS. NEDDE:** As I recall he was acquitted  
18 of everything. There was no evidence that he  
19 participated in the shooting or anything else.  
20 My argument to the jury of course was that he  
21 was an accomplice that having more than one  
22 person there, that increased the victim's  
23 danger.

24 **PRESIDING COMMISSIONER ST. JULIEN:** Okay  
25 thank you. Mr. Glasgow would you like to give a  
26 statement as to your parole suitability?

27 **INMATE GLASGOW:** Well at this point in my



1 life.

2 **DEPUTY COMMISSIONER WOLK:** Why don't you  
3 go ahead and start over again.

4 **INMATE GLASGOW:** What I am doing now for  
5 my life I am planning on doin the rest of my  
6 life. I don't plan on doin any thing backward  
7 and doin what I used to do. I learned my lesson  
8 and I live my self in life and all I can do is  
9 continue to do the right things. I know  
10 (indiscernible). I am not on trial anymore but  
11 I (indiscernible). I won't disappoint anyone.  
12 Please let me (indiscernible). I love my family  
13 and I want to be with them. If there is  
14 anything more I can do (indiscernible).

15 **PRESIDING COMMISSIONER ST. JULIEN:** Okay.  
16 Is there anything else that you would like to  
17 say Sir?

18 **INMATE GLASGOW:** Just that I extend my  
19 remorse to the Collins family and I put it on  
20 paper but I pray for his soul. I pray  
21 (indiscernible) taking his life (indiscernible).

22 **PRESIDING COMMISSIONER ST. JULIEN:** Okay,  
23 thank you Sir. We will now recess for  
24 deliberations.

25 **R E C E S S**

26 --oOo--

27

1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER WOLK: We're back on  
4 record.

5 PRESIDING COMMISSIONER ST. JULIEN: All  
6 parties have returned to the room for the  
7 hearing of Brice Glasgow. Mr. Glasgow we are  
8 going to deny your parole, we are going to deny  
9 your parole for a year. The main reason, the  
10 commitment crime. It just doesn't, we just  
11 can't reconcile the facts of the crime with your  
12 accounts, we can't say, we don't who's right and  
13 who's wrong and who is telling the truth and who  
14 isn't. But as long as there are lingering  
15 doubts we just can't do it. We have reviewed  
16 all the information received from the public and  
17 relied on the following circumstances in  
18 concluding that the inmate is not suitable for  
19 parole and would pose and unreasonable risk of  
20 danger to society or a threat to public safety  
21 if released from prison. The commitment offense  
22 was carried out in an especially cruel and  
23 callous manner in that the inmate shot and  
24 killed Mr. Ralph Collins and there were three  
25 bullet wounds to the back and two to the back of  
26 the head and also a shot into Patricia Watts who  
27 BRICE GLASGOW C-26529 DECISION PAGE 1 11/2/05

1 was the inmates niece and she was shot once in  
2 the back. Multiple victims were attacked in the  
3 same incident and one was killed and one was  
4 injured and the motive for the crime was  
5 explicable or very trivial in relation to the  
6 offense and on the one hand we have as a result  
7 of and altercation and (indiscernible) and on  
8 the other hand we have that there was  
9 intentional motives behind the shooting. So it  
10 is hard for us to draw a conclusion here and we  
11 would suggest that you really, really think  
12 about this and try to go back and research your  
13 memory as much as you can and perhaps even write  
14 something down. Make a statement as to the  
15 events of that night or that morning in its  
16 entirety and what you did afterwards because the  
17 fact that you left, you basically left Mr.  
18 Collins. I don't know if you knew he was dead  
19 or (indiscernible) So I think all of those  
20 things (indiscernible). In terms of your  
21 previous record, you do have an escalated  
22 pattern of criminal conduct and violence and a  
23 history of unstable relationships with others  
24 and you have failed previous rounds of probation  
25 and parole and can't (indiscernible) want you to  
26 avoid future criminalities and that

1 (indiscernible). The probation and parole stems  
2 from approximately 82 arrests and the arrests  
3 were for various crimes but they include  
4 battery, illegal weapon, burglary, conspiracy  
5 and forgery. And I also note that you have  
6 failed to profit from societies previous  
7 attempts to correct your criminality and these  
8 include CYA commitment, (indiscernible), being  
9 on parole and probation, (indiscernible). In  
10 terms of your programming you have done very  
11 well. And as my colleague previously noted you  
12 have numerous laudatory chronos and you have  
13 done exceptionally well while you have been  
14 here. Your last 115 was in 1999 and you have  
15 only had 3 total since you have been here and  
16 that is indeed a very good record. We also note  
17 that your psychological report dated December  
18 1<sup>st</sup>, 2004 authored by Doctor Reed is favorable  
19 and that he states that you need no more risk of  
20 violence than the average citizen however I also  
21 do note on that psychological report that Doctor  
22 Reed really didn't delve into your prior  
23 criminal history and the heroine use and as it  
24 relates to the crime and perhaps if you had some  
25 more discussions with a therapist or a  
26 psychologist you to maybe could reconcile some

1 of the issued that we are so concerned about.  
2 In terms of your parole plans you do have viable  
3 residential plans in the County of  
4 (indiscernible) as well as in Stockton area and  
5 you do have acceptable employment plans and that  
6 you have two job offers and you do have a  
7 marketable skill. And we note that in response  
8 to 3042 notices for opposition of parole  
9 suitability we have that opposition  
10 (indiscernible) by the District Attorney of  
11 Santa Clara as well as the Palo Alto police  
12 department and I am referring to the letter that  
13 was in the file. And we made the following  
14 findings that the prisoner needs therapy in  
15 order to face (indiscernible) cope with stress  
16 in a nondestructive manner. Until progress is  
17 made we maintain that you may be unpredictable  
18 and a threat to others. However we would like  
19 to commend you for participating in anger  
20 management, the PIA textiles for over 20 years,  
21 project impact, and disciplinary free since 1999  
22 as well as your exceptional record in receiving  
23 over approximately 50 laudatory chronos.  
24 However the positive aspects of you behavior do  
25 not out weigh the factors of unsuitability that  
26 were mentioned and we are hopeful that in one  
27 **BRICE GLASGOW C-26529 DECISION PAGE 4 11/2/05**

1 year that you read through all your prior  
2 transcripts, this one included, all your  
3 transcripts and really try to connect the pieces  
4 of this puzzle for the next panel. I would  
5 really encourage you to do that. And therefore  
6 I want to prepare your observation and  
7 evaluation is required before the board should  
8 find that you are suitable for parole.  
9 Commissioner Wolk?

10 **DEPUTY COMMISSIONER WOLK:** That's  
11 everything.

12 **PRESIDING COMMISSIONER ST. JULIEN:** And  
13 we will recess and it's ten minutes to eleven.

14 --oOo--

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23 **PAROLE DENIED ONE YEAR**

24 **THIS DECISION WILL BE FINAL ON: Mar. 2, 2006**

25 **YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT**  
26 **DATE, THE DECISION IS MODIFIED.**

27 **BRICE GLASGOW C-26529 DECISION PAGE 5 11/2/05**

CERTIFICATE AND  
DECLARATION OF TRANSCRIBER

I, SUE GERDES, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 - 69, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING OF BRICE GLASGOW, CDC NO. C-26529, ON NOVEMBER 2, 2005, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated NOVEMBER 20, 2005, at Sacramento,  
California.

*Sue Gerdes*  
SUE GERDES  
TRANSCRIBER  
**PETERS SHORTHAND REPORTING**

# **EXHIBIT 3**



IN THE SUPERIOR COURT OF THE  
STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

BRICE GLASGOW

Defendant,

REPORT OF  
ADULT PROBATION OFFICER

No. 75071

January 29, 1981

J. Nedde, D.A.

B. Shechmeister, P.D.

COURT DATA

SENTENCING COURT: Honorable Frank Cliff

COURT OF CONVICTION: Honorable Frank Cliff

CHARGE: Count One, Section 187 of the Penal Code (Murder), First Degree;

Count Two, Section 245(a) of the Penal Code (Assault With a Deadly Weapon) with the allegation the defendant personally used a firearm within the meaning of Section 12022.5 of the Penal Code found to be true.

Four prior Felony convictions were Admitted.

Prior Number One: Section 475a of the Penal Code (Possession of Completed Check)

Prior Number Two: Section 459 of the Penal Code (Burglary), Second Degree

Prior Number Three: Section 182 of the Penal Code (Conspiracy)

Prior Number Four: Section 459 of the Penal Code (Burglary)

DATE OF OFFENSE: March 1, 1980

DATE OF ARREST: March 1, 1980 (Palo Alto Police Department)

CONVICTION: Found guilty by jury trial December 19, 1980. The defendant admitted four prior felony convictions on October 15, 1980.

REMAINING CHARGES: The defendant was found not guilty as to Count Three, an alleged violation of Section 182 of the Penal Code (Conspiracy).

CONDITIONS: None

In the Case of: BRICE GLASGOW  
Charge: Section 187 & 245(a) PC  
Santa Clara County Number: 75071

January 29, 1981

DAYS IN CUSTODY: 335 actual days; 167 days pursuant to Section 4019 of the Penal Code; 502 total days; presently in custody.

AGE & DATE OF BIRTH: 39; April 23, 1941; Prescott, Arkansas

CODEFENDANTS & STATUS:

Edmund Duhart aka William Lipford aka William James Reid was found not guilty of all charges by jury trial December 19, 1980.

SUMMARY OF OFFENSE:

On March 1, 1980, at approximately 8:15 a.m., officers of the Palo Alto Police Department responded to 1179 Amarillo on the report of a shooting. Upon arrival at the scene, the investigating officers observed victim Ralph Collins on the floor of the bedroom. Victim Collins had been shot several times and was bleeding from back and head wounds. No vital signs could be detected and Palo Alto Paramedics were allowed to attempt to render assistance.

At this time the investigating officers made contact with victim Patricia Watts who was sitting on a fold out bed in the living room of the apartment. Watts had suffered a gunshot wound to her back. Watts explained at approximately 5:00 a.m. she had heard a knock on the door and observed the defendant in front of the apartment. She indicated she did not open the door at that time and returned to her bed. She related later in the morning the defendant returned and she allowed him to enter the apartment. She indicated he sat in the living room for approximately ten minutes and played with her daughter. She related the defendant then went into the bathroom in the hallway of the apartment and during this time she heard a knock at the back door. She related the defendant then allowed Edmund Duhart to enter the apartment. Watts explained the defendant then began walking towards the hallway and she observed that he had a gun in his hand. She indicated she ran into the bedroom and attempted to wake victim Ralph Collins; however, the defendant was at the door of the bedroom and attempting to get in. She related the defendant pushed his way into the bedroom and during the ensuing struggle the defendant was firing the weapon at victim Collins and as she was attempting to protect the victim she also was wounded.

Victim Watts related during the time that she was in the bedroom the defendant called for Duhart to come into the room and asked him to remove victim Watts. She indicated he tried to pull her off victim Collins while the defendant was still shooting at the victim. She indicated when the defendant had fired several shots from the weapon, he pulled the trigger one more time and the gun was apparently empty. She related the defendant and Duhart then left the apartment.

In the Case of: BRICE GLASGOW  
Charge: Section 187 & 245(a) PC  
Santa Clara County Number: 75071

January 29, 1981

SUMMARY OF OFFENSE: (Continued)

An all points bulletin was issued for the defendant and Duhart's apprehension and he was subsequently placed under arrest by Stockton officials at approximately 7:00 p.m. Subsequent investigation revealed a rubber glove found on the floor of the apartment by victim Patricia Watts and she related she had observed the glove on the defendant's hand while he was handling the weapon and that she had not previously had rubber gloves of this kind in the apartment. Two witnesses in the neighborhood also stated they had observed the defendant removing a rubber glove as he left the apartment.

An autopsy report performed on victim Collins revealed the cause of death to be gunshot wounds of the head, chest and abdomen. Two of the gunshot wounds entered the victim's body through the upper back, one to the head and one to the upper abdomen.

VICTIM'S STATEMENT:

The undersigned officer has been unable to reach members of victim Collins' family or victim Patricia Watts. Any information received prior to the sentencing date will be attached for the Court's observance.

DEFENDANT'S STATEMENT: (Requested - received)

The defendant was interviewed in custody in Santa Clara County Main Jail in the presence of his Public Defender. During the interview the defendant related he was sorry for what had happened; however, he has gone over the incident many times in his own mind and does not know how he could have avoided the incident.

The defendant went on to explain on the morning the present offense was committed he had gone to Palo Alto to locate Charles Watts in order to get some aid in repairing his car. He indicated he was unable to locate Watts and proceeded to victim Patricia Watts' residence as he hoped she might know where her brother was. He indicated when she did not answer the door he then drove to San Francisco where he picked up Edmund Duhart to bring him back to the San Jose area. The defendant explained on his way back to San Jose he again decided to stop at Patricia Watts' apartment in an effort to locate Charles Watts. He indicated he was out of money and needed gas and he also needed to return to the San Jose area quickly so that he might receive his methadone injections. He related while he was visiting with his niece's daughter and his niece he went into the hallway and used the bathroom. He indicated while in the bathroom he heard someone knocking at the back door and realized it must be Duhart who had become impatient waiting in the car. He indicated he went to the back door and let Duhart in and then returned to the hallway with the intention of going back to the bathroom. He indicated when he got to the hallway he was attacked by victim Collins who had come out of the bedroom and was holding a weapon. The defendant explained during the ensuing

In the Case of: BRICE GLASGOW  
Charge: Section 187 & 245(a) PC  
Santa Clara County Number: 75071

January 29, 1981

DEFENDANT'S STATEMENT: (Continued)

struggle, the gun went off several times striking both victim Collins and victim Watts. The defendant indicated he at no time had the gun in his sole possession and did not intentionally shot either victim. The defendant explained after the shooting he took the weapon and left the area. He explained he threw the weapon away somewhere in San Mateo near the freeway.

Concerning information given to police officers by victim Watts, the defendant indicated his niece had been upset with him because he had informed her mother that she had been attempting to become involved with an associate of his. He related he does not know if she purposely lied to police officers or if she told them what she thought she saw. The defendant related he knows that he is not guilty of the crime explaining Collins was not asleep and that he had actually attacked him. The defendant indicated he was merely protecting himself. The defendant further indicated had he known victim Collins was in his niece's apartment he would not have gone to visit her in the first place and if he was going to do something like this he would not have waited until he had changed his lifestyle with plans to marry and his common-law wife expecting a child.

The defendant further explained at no time was he wearing rubber gloves while he was in his niece's apartment and he was not in possession of a weapon when he arrived. Concerning letters of a threatening nature received by witnesses in this matter, the defendant explained he simply wished to warn witnesses that associates of victim Collins were dangerous people and his concern was for their safety. The defendant insisted the letters were not meant to be threats.

INTERESTED PARTIES:

A review of the probation file showed the defendant has been referred to the Adult Probation Department on four prior occasions with probation being granted on two occasions. The defendant was last placed on probation on January 26, 1973 for a period of three years for a violation of Section 475a of the Penal Code (Insufficient Funds-Checks). Followup notes in the file reveal the defendant reported only marginally and although he was enrolled in a drug-abuse counseling program he continued to use heroin as evidenced by urinalysis tests showing positive presence of morphine.

DISCUSSION:

Judicial Council Rules 414, 421 and 423: (Attached)

Enhancements:

Because the allegation the defendant personally used a firearm within the meaning of section 12022.5 of the Penal Code was found to be true with regard to Count Two of the Information, any State Prison sentence imposed with regard to that count should be enhanced by two years.

In the Case of: BRICE GLASGOW  
 Charge: Section 187 & 245(a) PC  
Santa Clara County Number: 75071

January 29, 1981

Case Evaluation:

Before the Court is a 37-year-old male who has been found guilty by jury trial of Murder in the First Degree and Assault With a Deadly Weapon with the allegation he personally used a firearm found to be true. The defendant admitted four prior felony convictions. The defendant's prior record is lengthy and the defendant has previously been convicted of offenses involving weapons. The defendant is ineligible for probation with regard to the present conviction and in view of the serious nature of the defendant's actions, it is felt a State Prison commitment is warranted.

The defendant is presently in custody and has no savings. It is, therefore, believed he cannot afford to pay a fine to the State Indemnity Fund.

SUGGESTED PRISON TERM:

<u>CRIME</u>	<u>MITIGATED</u>	<u>AGGRAVATED</u>	<u>RANGE</u>	<u>ENHANCEMENTS</u>	<u>TOTAL TERM</u>
Ct. 1, Sec. 187 PC 1st deg.			Indeterminate sentence - 25 years to life		
Ct. 2, Sec. 245a PC	No	Yes	2, 3, or 4 yrs.	2 years (Sec. 12022.5 of P.C.)	6 years (Consecutive)
				<u>TOTAL TERM:</u>	31 years to life



In the Case of: BRICE GLASGOW  
Charge: Section 187 & 245(a) PC  
Santa Clara County Number: 75071

January 29, 1981

RECOMMENDATION:

It is respectfully recommended probation be denied and the defendant be committed to the California Medical Facility at Vacaville for a term of thirty-one (31) years to life and be advised of a subsequent five year period of parole supervision.

Respectfully submitted,

WALTER D. MORSE, Chief  
Adult Probation Officer

*Geraldine Arcarese*

Geraldine Arcarese, Deputy  
Adult Probation Officer

GA:rmt

Attachments

Reviewed by:

*A. R. Garish*  
\_\_\_\_\_  
Supervising Adult  
Probation Officer

The above report has been read and considered by the Court.

\_\_\_\_\_  
FRANK CLIFF  
Judge of the Superior Court  
Santa Clara County, California

## **EXHIBIT 4**

COPY TO INMATE ON

AUG 27 2004

**LIFE PRISONER EVALUATION REPORT  
PAROLE CONSIDERATION HEARING  
JULY, 2004 CALENDAR**

GLASGOW, BRICE

C26529

**I. COMMITMENT FACTORS:**

A. **Life Crime:** Murder 1st, 187 PC, count 1 and Assault with a Deadly Weapon, 245(a) PC, with Use of Firearm, 12022.5 PC, count 2. Santa Clara County case number 75071. Victims: Ralph Collins, age unknown, count 1, and Patricia Watts, count 2. Received in CDC on 2/19/81. Sentenced to 25 years to Life on count 1 and 3 years plus 2 years on count 2 for a total term of 25 years to Life plus 5 years (Life term started 5/17/83). MEPD is 3/18/98.

1. **Summary of Crime:** All relevant documents from the previous hearings have been considered, and that information appears valid. The writer has no further information to add.

2. **Prisoner's Version:** In an interview for this report, Inmate Glasgow indicated that his version remains the same as stated in the previous hearings.

3. **Aggravating/Mitigating Circumstances:**

a. The following factors in aggravation were noted per Title 15 CCR §2404:

- During the commission of the crime, the prisoner had a clear opportunity to cease but instead continued.
- The prisoner has a history of criminal behavior for which the term is not being enhanced under Section 2407.

There are other items that have been listed in previous reports as factors in aggravation, but inasmuch as they involve issues that resulted in additional conviction and additional sentence of time to serve, they already aggravated the sentence and are not otherwise articulated here.

b. No factors in mitigation were noted per Title 15 CCR §2405.

II. **PRECONVICTION FACTORS:** Documents from the previous hearings have been considered, and that information appears valid. The writer has no further information to add.

III. **POSTCONVICTION FACTORS:** Documents from the previous hearings have been considered, and the information remains valid. Glasgow went to his Subsequent Parole Consideration Hearing on 7/16/03. The panel acted to deny parole consideration for one



year, placed him on the 7/04 Calendar for his Subsequent Hearing #4 and recommended that he remain disciplinary free, upgrade vocationally and participate in self-help programs, as available. The panel also requested, via a BPT Form 1000(a), that Glasgow receive a new psych report. During the period of time since the last hearing, the prisoner's behavior has remained stable, in that he has remained disciplinary free, continued his participation in the available self-help programs, including the local AA Group as well as completing the 13-week IMPACT program and has maintained his work skills through his assignment to PIA Textiles as a sewing machine operator. See Postconviction Progress Report for details.

- IV. **FUTURE PLANS:** Glasgow's future plans have changed from those indicated in the previous Board Report, in that he got married, on 11/6/03, to Diann (nee Lewis) Glasgow. In an interview for this report, Glasgow stated that should he receive parole consideration, he would be able to live with his wife, Diann, at 323 S. Golden Gate Avenue in Stockton (95205). The telephone number at that address is (209) 464-5824. Should the Board nevertheless insist on Glasgow paroling to his county of commitment, he would still be able to live with a brother-in-law, Lloyd Woods at 248 Alpine Avenue in San Jose (95127). The telephone number at that address is (408) 259-7832. He has offers of employment from Edward Smith, owner of a furniture store, Big Ed's Furniture, and a delivery business in Stockton. Mr. Smith is married to Glasgow's granddaughter. Irvin Goodwin has also offered Glasgow full time employment in a non-profit organization located in Menlo Park. Glasgow's step-daughter, Denise Sanders, is a Licensed Psychiatric Technician living in Stockton who has offered to sponsor him in regards to 12-step programs upon his release for the purpose of supporting his continued sobriety.

As a consequence of his participation in the NA Group, Glasgow wrote a letter addressed to the Glasgow, Watts and Collins family (the three families are interrelated) expressing the desire to make amends (step nine). He received a response from the Glasgow, Watts and Collins Family, Santa Clara County, dated 6/9/04 that acknowledged receipt of his letter of remorse and collectively agreed to accept and welcome him back into the family with three conditions: "1) Change your environment; 2) find employment; and 3) continue to be involved with some kind of sobriety program if you are found suitable for parole."

Glasgow's parole plans for parole are specific, detailed and appropriate. It is unusual but encouraging to see such a detailed community of support available to someone who has been incarcerated for 24 years.

- V. **USINS Status:** None.

VI. **SUMMARY:**

- A. Not applicable, per the 8/5/04 memo of Cheryl K. Pliler, Deputy Director, Institutions Division.
- B. Prior to release, the prisoner could benefit from remaining disciplinary free, continuing his participation in the local AA Group and remaining in his full-time work assignment.
- C. This report is based upon an interview with the prisoner on 8/25/04 lasting approximately one hour and a complete review of the central file.

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

## LIFE PRISONER: POSTCONVICTION PROGRESS REPORT

- ☐ DOCUMENTATION HEARING
- ☒ PAROLE CONSIDERATION HEARING
- ☐ PROGRESS HEARING

(Life term started 5/17/03)

## INSTRUCTIONS

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT

TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, ie., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
12/02 to 5/03			<p><b>PLACEMENT:</b> Remained at CTF during this period.</p> <p><b>CUSTODY:</b> Medium A.</p> <p><b>VOCATION:</b> Assigned to PIA Textiles as a sewing machine operator during this period.</p> <p><b>ACADEMIC:</b> None during this period.</p> <p><b>WORK:</b> Assigned to PIA Textiles as a sewing machine operator during this period with Satisfactory ratings and positive comments on CDC 101 chronos dated 12/1/02 and 3/1/03. Laudatory chrono dated 5/7/03 documents good skills and attitudes.</p> <p><b>GROUP ACTIVITIES:</b> Participated in a 3-hour video instruction/discussion of issues associated with the Inmate Employability Program offered through the PIA, per 128-B dated 12/6/02. Continued participation in the AA/NA Groups per 128-B chronos dated 12/31/02, 1/6/03 and 4/2/03. 2/24/03 128-B noted volunteer work in the service of the Academic Dept.'s Distance Learning Program.</p> <p><b>PSYCH TREATMENT:</b> None during this period.</p> <p><b>PRISON BEHAVIOR:</b> Remained disciplinary free during this period.</p> <p><b>OTHER:</b> Low bunk/low tier placement recommended for one year, per 128-C chrono dated 2/1/03. TB Alert Code 32 dated 5/5/03.</p>
CORRECTIONAL COUNSELOR'S SIGNATURE			DATE
GLASGOW, BRICE			8/26/04
C26529			CTF SOLEDAD
			JUL/2004

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

## CONTINUATION SHEET: LIFE PRISONER : POSTCONVICTION PROGRESS REPORT

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
5/03 to 5/04			<p><b>PLACEMENT:</b> Remained at CTF during this period.</p> <p><b>CUSTODY:</b> Medium A.</p> <p><b>VOCATION:</b> Assigned to PIA Textiles as a sewing machine operator during this period.</p> <p><b>ACADEMIC:</b> None during this period.</p> <p><b>WORK:</b> Assigned to PIA Textiles as a sewing machine operator during this period with Satisfactory ratings and positive comments on CDC 101 chronos dated 6/1/03, 9/1/03 and 3/1/04. CDC 101 chrono dated 4/17/04 notes a Below Average rating on Quality of Work and a comment that he needed to improve the quality of his work.</p> <p><b>GROUP ACTIVITIES:</b> Continued participation in NA Group per 128-B chronos dated 6/13/03, 10/7/03 and 3/24/04.</p> <p><b>PSYCH TREATMENT:</b> None during this period.</p> <p><b>PRISON BEHAVIOR:</b> Remained disciplinary free during this period.</p> <p><b>OTHER:</b> TB Alert Code 32 is dated 10/7/03 and 11/20/03. As noted on 128-B dated 11/5/03, Glasgow married Diann Lewis on 11/6/03. Cotton blankets issued due to wool allergy, per 128-C dated 12/19/03. Physical limitations chrono 128-C dated 1/14/04 recommended to "permit patient to go to BR every hour as needed" for one year.</p>

## ORDER:

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BPT date advanced by months.  
PBR date advanced by months.

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BPT date affirmed without change.  
PBR date affirmed without change.

## SPECIAL CONDITIONS OF PAROLE:

☐  
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Previously imposed conditions affirmed.  
Add or modify

☐

Schedule for Progress Hearing on appropriate institutional calendar

GLASGOW, BRICE

C26529

CTF SOLEDAD

JUL/2004

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

## CONTINUATION SHEET: LIFE PRISONER : POSTCONVICTION PROGRESS REPORT

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
5/04 to Present (8/26/04)			<p><b>PLACEMENT:</b> Remained at CTF during this period.</p> <p><b>CUSTODY:</b> Medium A.</p> <p><b>VOCATION:</b> Assigned to PIA Textiles as a sewing machine operator during this period.</p> <p><b>ACADEMIC:</b> None during this period.</p> <p><b>WORK:</b> Assigned to PIA Textiles as a sewing machine operator during this period with Satisfactory ratings and a comment: "Quality has improved. Steady worker." on CDC 101 chrono dated 6/1/04.</p> <p><b>GROUP ACTIVITIES:</b> Completed the 13-week IMPACT workshop per 128-B dated 6/8/04. Continued participation in NA Group per 128-B chrono dated 6/28/04.</p> <p><b>PSYCH TREATMENT:</b> None during this period.</p> <p><b>PRISON BEHAVIOR:</b> Remained disciplinary free during this period.</p> <p><b>OTHER:</b> TB Alert Code 32 is dated 5/7/04. Low bunk/low tier placement recommended for one year, per 128-C chrono dated 5/28/04.</p>

## ORDER:

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BPT date advanced by months.  
PBR date advanced by months.

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BPT date affirmed without change.  
PBR date affirmed without change.

## SPECIAL CONDITIONS OF PAROLE:

☐  
☐

Previously imposed conditions affirmed.  
Add or modify

☐

Schedule for Progress Hearing on appropriate institutional calendar

GLASGOW, BRICE

C26529

CTF SOLEDAD

JUL/2004

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

**EXHIBIT 5**

3-9-03  
Tu

**LIFE PRISONER EVALUATION REPORT  
SUBSEQUENT PAROLE CONSIDERATION HEARING  
FEBRUARY 2003 CALENDAR**

**GLASGOW, BRICE****C26529****I. COMMITMENT FACTORS:**

**A. Life Crime:** Murder 1<sup>st</sup>, PC 187 with Use of a Handgun, with a consecutive sentence of five years for Assault with a Deadly Weapon, PC 245 with the Use of a Handgun. Santa Clara County case number 75071. Victim in Murder case: Ralph Collins, age unknown. Victim in ADW case: Patricia Watts. Received into the CDC on 2/19/81. Sentence: 25 years to Life plus five years. MEPD: 3/18/98.

1. **Summary of Crime:** On 3/1/80, at approximately 8:15 a.m., officers of the Palo Alto Police Department responded to 1179 Amarillo, on the report of a shooting. Upon arrival at the scene, the investigating officers observed victim Ralph Collins on the floor of the bedroom. Victim Collins had been shot several times and was bleeding from back and head wounds. No vital signs could be detected and Palo Alto Paramedics were allowed to attempt to render assistance.

At this time investigating officers made contact with victim Patricia Watts who was sitting on a foldout bed in the living room of the apartment. Watts had suffered a gunshot wound to her back. Watts explained that at approximately 5:00 a.m. she had heard a knock on the door and observed the defendant in front of the apartment. She indicated she did not open the door at that time and returned to her bed. She related that later in the morning the defendant returned and she allowed him to enter the apartment. She indicated he sat in the living room for approximately 10 minutes and played with her daughter. She related the defendant then went into the bathroom in the hallway of the apartment and during this time she heard a knock at the back door. She related the defendant then allowed Edmund Duhart to enter into the apartment. Watts explained the defendant then began walking towards the hallway and she observed that he had a gun in his hand. She indicated she ran into the bedroom and attempted to waken victim Ralph Collins, however, the defendant was at the door of the bedroom and attempting to get in. She related that the defendant pushed his way into the bedroom and during the ensuing struggle, the defendant was firing the weapon at victim Collins and as she

was attempting to protect the victim she was also wounded. Victim Watts related during the time that she was in the bedroom the defendant called for Duhart to come into the room and remove victim Watts. She indicated he tried to pull her off victim Collins while the defendant was still shooting at the victim. She indicated when the defendant had fired several shots from the weapon, he pulled the trigger one more time but the gun was apparently empty. She related the defendant and Duhart then left the apartment. An All Points Bulletin was issued for the defendant and Duhart's apprehension and he was subsequently placed under arrest by Stockton officials at approximately 7:00 p.m. Subsequent investigation revealed that a rubber glove was found on the floor by victim Patricia Watts and she related that she had observed the glove on the defendant while he was handling the weapon. She stated that she had not previously had rubber gloves of this kind in the apartment. Two witnesses in the neighborhood also stated that they had observed the defendant removing a rubber glove as he left the apartment. An autopsy report performed on victim Collins revealed the cause of death to be gunshot wounds to the head, chest, and abdomen. Two of the gunshot wounds entered the victim's body through the upper back, one to the head and one to the upper abdomen. This information was obtained from pages 2 and 3 of the POR dated 1/29/81.

2. **Prisoner's Version:** In an interview on 11/25/02, in preparation for the writing of this Board Report, Glasgow read the prisoner's version detailed in the January 2002 Board Report. He indicated this version is accurate. In that version he indicated that the testimony of Patricia Watts was subsequently recanted and that she was convicted of perjury shortly after his trial for her false testimony. He presented a document dated 10/30/81 showing that Patricia N. Watts had been convicted of Perjury under Section 118 for the Penal Code. However, it does not indicate that this perjury conviction was in relation to her testimony provided during Glasgow's court trial in the instant offense. He did however state that he had further documentation, which would prove that this conviction was for her giving false testimony in Glasgow's murder trial. Glasgow states that he went to his niece's home, Patricia Watts, in order to locate her brother, his nephew, Charles Watts. He was hoping to have Charles Watts assist him in repairing his vehicle. Charles Watts was not home so Glasgow entered the residence leaving Duhart in a car outside. Glasgow states that he played for approximately 10 minutes with Patricia Watts' daughter. He then went to use the bathroom to check on his eye as he had glaucoma. He heard a knock at the door and left the bathroom, noticing Duhart at the door speaking with Patricia Watts. Duhart was anxious to leave and Watts spoke with him for a short amount of time while Patricia Watts left the room. Glasgow states that he attempted to return to the bathroom when



Ralph Collins appeared and hit him in the face, striking his jaw with a gun. A struggle ensued in the hallway between him and Collins at which time both wrestled for the gun. Patricia Watts involved herself at this time and began to jerk on the barrel of the gun. The gun started firing while he held the grip of the gun and she held the barrel. He stated that at no time did he purposely shoot Ralph Collins.

**B. Aggravating/Mitigating Circumstances:**

**1. Aggravating Factors:**

- a. Glasgow had an opportunity to cease but continued with the crime.
- b. Circumstances of the crime created a potential risk to others.
- c. Glasgow has a lengthy criminal history.
- d. Glasgow used a weapon.
- e. Glasgow engaged in other reliably documented criminal conduct which was an integral part of the crime for which he is currently committed in which he committed Assault with a Deadly Weapon on his own niece, Patricia Watts.

**2. Mitigating Factors: None.**

**II. PRECONVICTION FACTORS:**

- A. Juvenile Record:** It is difficult to determine at what age Glasgow was when he was first arrested. The POR indicates that his date of birth is 4/23/41, a date which Glasgow says is correct. However, his FBI "rap" sheet indicates that his date of birth is 4/23/42. At any rate, he suffered his first arrest on 11/3/59 by the Stockton Sheriffs Office for failure to follow a juvenile detention order. No disposition is shown. His next entry on his "rap" sheet is 12/29/59 when he was sent to the California Youth Authority (CYA) on 12/29/59 for Battery and Carrying a Concealed Weapon. He paroled from CYA on 12/23/60.
- B. Adult Convictions:** Glasgow was arrested on 7/24/61 for involvement in a riot and carrying a concealed weapon. The charges were dismissed on 8/23/61. He was arrested again about a month later on 8/29/61 by the Los Angeles Police Department for Assault with Intent to Commit Murder and he was also arrested on the same day by the Los Angeles Sheriffs Office for Assault with a Deadly Weapon. No disposition is showing on the "rap" sheet. On 1/3/62 he was



returned to the CYA as a parole violator. He was paroled on 1/23/63 and discharged on 5/9/63. He was arrested on 5/4/63 by the Stockton Sheriffs Office for Robbery and Assault with a Deadly Weapon. He was convicted of the ADW, which resulted in nine months county jail time. He was arrested on 6/3/64 by the El Cerrito Police Department for Burglary and was fined \$56. Two days later on 6/5/64 he was arrested by the El Cerrito Police Department for Theft with no disposition shown. On 9/24/64 he was arrested by the Oakland Police Department for Shoplifting and was sentenced to a fine of \$50 or five days in the county jail plus a fine of \$8. He was arrested on 10/7/64 by the Stockton Sheriffs Office for Attempted Burglary. These charges were dismissed on 10/13/64. On Christmas Eve 1964 he was arrested by the Richmond Police Department for Burglary with no disposition shown. On 6/21/65 he was arrested by the Stockton Sheriffs Office for Assault with a Deadly Weapon which was dismissed on 11/2/65. On 7/27/65 he was arrested by the Long Beach Police Department for Shoplifting and was sentenced to five days in the county jail and a \$56 fine. On 8/27/65 he was arrested by the San Jose Police Department for Grand Theft and Conspiracy. He was sentenced to nine months in the county jail on 1/27/66 for Burglary and Conspiracy. His next arrest came on 9/7/65 by the San Jose Police Department for Burglary but was released later that day. On 10/1/65 once again he was arrested by the San Jose Police Department for Burglary and Conspiracy and sentenced to nine months in the county jail. On 10/28/65, he was arrested by the Stockton Sheriffs Office for Fighting and was sentenced to 90 days county jail with the jail time being commuted. On 1/18/66 the San Jose Police Department arrested him for Burglary and Conspiracy as well as Battery. He was convicted of the Burglary and Conspiracy and sentenced to nine months in the county jail and allowed to post bail on the Battery charge. On 9/22/66 he was arrested by the Fairbanks, Alaska, authorities for Receiving Stolen Property with no disposition shown. On 2/17/67 he was arrested by the Stockton Sheriffs Office for Arson with no disposition shown. On 5/9/67 he was arrested by the San Jose Police Department for Forgery with no disposition shown. On 10/27/67 he was arrested by the Yakima, Washington Police Department for Defrauding an Innkeeper, Carrying a Concealed Weapon, and Possession of a Gambling Device. He was released to the Alaska State Police. On 4/19/69 he was arrested by the Stockton Sheriffs Office for Shooting Craps. He was given a 180 day suspended jail sentence, three years probation, and a \$500 fine. On 5/1/69 he was arrested by the Stockton Sheriffs Office for Shooting Craps and was fined \$500. On 10/5/69 he was arrested by the Seaside Police Department for PC 330 (Gaming). He was given a two year suspended sentence and fined \$150. On Christmas Day 1969 he was arrested by the San Jose Police Department for Burglary and Conspiracy but later released the next day by the court. On 4/5/70 he was arrested by Monterey Police Department for Driving Without a Driver's License in his Possession with an unknown disposition. On 5/17/70 he was arrested by the San Francisco Police Department for Winning at Play by Fraudulent Means, Carrying a Concealed Weapon, and Loitering or Wandering the Streets at Night without Apparent

Reason. There is no disposition shown. On 7/22/70 he was arrested under the name of Ward Odell for Burglary but was detained only and released due to insufficient evidence. On 8/29/70 he was arrested under the name Michael Stevenson by the Sacramento Police Department for Conspiracy. He failed to appear and a bench warrant was issued. There is no further disposition shown. On 9/26/70 he was arrested by the Stockton Sheriffs Office for Theft and was released to the San Joaquin County Sheriff. On 10/19/70 he was arrested by the Stockton Sheriffs Office for Driving Without an Operators License in his Possession and HS 11721-Addiction. He was found guilty of being under the influence and given a 180 day suspended sentence. On 11/1/70 he was arrested by the San Jose Police Department under the name of Thomas Ronald Green for Grand Theft and Burglary. He was released the next day with no further disposition. On 1/4/71 he was arrested under the name Michael Stevenson by the Sacramento Police Department for Failure to Appear and Conspiracy. He was sentenced to 22 days in the county jail. The very next day he was arrested once again this time by the Sacramento Sheriffs Office under the name Michael Stevenson for Conspiracy to Commit Theft. He was remanded to the city of Sacramento with no further disposition available. On 1/28/71 he was arrested by the Stockton Sheriffs Office for Theft and Health and Safety as well as Vehicle Code violations. He was sentenced to 180 days in the county jail, which was suspended for three years. On 2/9/71 he was arrested by the San Jose Police Department for Burglary and a Vehicle Code violation with no disposition shown. On 6/24/71 he was arrested by the Oakland Sheriffs Office for Acting in an Assumed Character and Having an Open Alcoholic Container in the Vehicle. The charges were later dismissed. On 7/2/71 he was arrested by the Seaside Police Department for a misdemeanor traffic warrant and was fined \$19.00. On 7/17/71 he was arrested by the Redwood City Sheriffs Office for Burglary but was released due to the unavailability of evidence. There is also a second entry for 7/17/71 showing he was arrested by the Brisbane Police Department for Burglary with no disposition shown. On 10/14/71 he was arrested by the San Jose Police Department for Giving False Information to a Peace Officer, a Health and Safety narcotics violation, and two Vehicle Code violations. There is no disposition shown. On 10/21/71 he was arrested by the San Jose Police Department for Theft with no disposition showing. On 11/27/71 he was arrested by the San Jose Police Department for Burglary and Grand Theft with no disposition shown. On 12/28/71 he was arrested by San Jose Police Department on a warrant for PC 475A Forgery. There is no disposition shown. On 1/6/74 he was arrested by the San Jose Police Department for Petty Theft with no disposition shown. On 1/23/72 he was arrested by the San Mateo Police Department for Possession of Stolen Property. He was sentenced to three days in the county jail for Forgery with the other charges being dismissed. On 1/24/72 he was arrested by the Redwood City Sheriffs Office for two counts of Forgery and one count of Receiving Stolen Property. He was detained only and later released. On 2/4/72 he was arrested by the San Jose Police Department for Attempted Petty Theft with

no disposition shown. On 2/9/72 he was arrested by the Redwood City Sheriffs Office for Burglary and Theft with no disposition shown. On 2/16/72 he was arrested by the Redwood City Sheriffs Office for Theft and Burglary with no disposition shown. On 3/24/72 he was arrested by the San Jose Police Department on a bench warrant for Theft. He was sentenced to six months in the county jail, which was suspended, and he was given two years summary probation and 90 days in the county jail with 45 of those suspended. On 5/26/72 he was arrested for Health and Safety Addiction violation with no disposition shown. On 5/30/72 he was arrested by Modesto Sheriffs Office under the name of Alfred Waller for Petty Theft with no disposition shown. On 7/21/72 he was arrested by the Merced Sheriffs Office under the name of Al Bryce Wheeler for Robbery and was convicted of Burglary with a sentence of 12 months in the county jail and 18 months probation. On 11/8/72 he was arrested by the San Jose Sheriffs Office for PC 475A, which has since been repealed. That penal code apparently was for Receipt or Possession of Forged Bills. There is no disposition shown. On 5/2/74 he was arrested by the San Jose Police Department for a miscellaneous Health and Safety drug violation. He was detained only and then released on 6/14/74. He was arrested by the Santa Clara Police Department under the name of Otis Wood for Receipt or Possession of Forged Bills and Resisting or Delaying a Peace Officer as well as Loitering. There is no disposition shown on these charges. On 7/8/74 he was arrested by the San Mateo Police Department for Vehicle Code violation which was dismissed due to a lack of evidence. On 9/29/74 he was arrested by the Alameda County Sheriffs Office for Theft which was later dismissed. On 7/11/75 he was arrested by the San Jose Police Department for Vehicle Code violations. He was detained only. He was convicted of Felony Probation/Parole Hold. He was given five days in the county jail. On 1/16/76 he was arrested by the San Rafael Sheriffs Office under the name Lee Glasgow for Burglary. This count was dismissed. On 3/25/76 he was arrested by San Francisco Police Department under the name Lee B. Glasgow for Petty Theft with no disposition shown. On 7/27/76 he was arrested by the San Francisco Police Department under the name L.B. Glasgow for Grand Theft with no disposition shown. On 11/20/76 he was arrested by the Sunnyvale Police Department under the name Tyrone Lee Carmon for Forgery and Possession and Control of Hypodermic Needle as well as Conspiracy. No disposition shown. On 8/21/77 he was arrested under the name Lee Bryant Glasgow for Burglary. This case was dismissed. On 9/29/77 he was arrested by Alameda County Sheriffs Office under the name Lavern Glasgow for Burglary with no disposition shown. On 11/27/77 he was arrested by the Burlingame Police Department under the name Lee Bryant Glasgow for Petty Theft and was released due to insufficient evidence. On 11/28/77 he was arrested by the Redwood City Sheriffs Office under the name Lee Bryant Glasgow for Theft of Personal Property and was released to the Burlingame Police Department. No further disposition available. On 3/19/78 he was arrested by the San Francisco Police Department under the name Levine Glasglow for PC 488 Petty Theft. That case was suspended. On 4/14/78 he was

arrested by the San Francisco Police Department under the name Laverne Glasgow for two counts of Petty Theft. That case was also dismissed. On 5/18/78 he was arrested by the San Francisco Police Department for Shoplifting under the name Laverne Glasgow. He was given 36 months court probation and 30 days in the county jail. On 6/23/78 he was arrested under the name Laverne Glasgow for Robbery and Failure to Appear. He was sentenced to 180 days in the county jail. On 1/30/79 he was arrested by the San Francisco Police Department for Possession/Manufacture Dangerous Weapons. He was sentenced to six months in county jail, which was suspended, and he was sentenced to six days in the county jail. On 2/4/79 he was arrested by the San Rafael Sheriffs Office for Burglary and Conspiracy to Commit a Crime. He was found guilty of the Conspiracy charge and sentenced to 36 months summary probation without supervision and 20 days in the county jail. On 2/20/79 he was arrested by the San Jose Police Department under a warrant with no further disposition shown. On 4/7/79 he was arrested by the Richmond Police Department for Conspiracy. That case was discharged. On 3/1/80 he was arrested by the Stockton Sheriffs Office for Homicide. This is the instant offense. He was later arrested on 3/4/80 by the Palo Alto Police Department for the PC 187 Murder charge and ADW charge in this case.

- C. **Personal Factors:** Glasgow was born in Prescott, Arkansas, and moved to California in 1950. He dropped out of high school in 1960 when he was a senior. He has no military history. At the time of the instant offense he was married to Yvette Scott with one child named Abidemi Glasgow. He was employed as a construction laborer and was also a student under a master barber. At the time of the incident, Glasgow was on probation for burglary. He has a long history of drug abuse, having first smoked marijuana at age 13 or 14. He then began using heroin in 1965. The POR indicates that he became addicted to heroin in 1969 or 1970 and participated in several drug rehabilitation programs in 1974 and 1975. He first entered the methadone program in 1978 but returned to the use of heroin twice before entering another methadone program 10 months before his arrest. He stated in the POR that he remained drug free during that 10-month period.

### III. **POSTCONVICTION FACTORS:**

- A. **Special Accommodations/Disability:** None.
- B. **Custody History:** Since his last parole hearing, Glasgow has remained housed in the general population at the Correctional Training Facility (CTF). His classification score has remained zero. He continued working in Culinary until 3/16/02 when he was assigned to Textiles, a job, which he currently holds. He has consistently received satisfactory grades in his work assignments. The last time that Glasgow actually appeared before the BPT was on 4/3/97 when he was



denied parole for three years and it was recommended that he remain disciplinary free, upgrade educationally, and participate in self-help and therapy programs. He was not scheduled again until 11/23/01 when he was given a one-year denial based on his stipulating to his unsuitability for his parole. The BPT form 1001A dated 2/20/02 indicates that the waiver and stipulation to unsuitability was granted per the prisoner's request in order to update his parole plans. Glasgow now indicates that the real reason he requested the stipulation was for him to be able to obtain complete documentation verifying that Patricia Watts was convicted of perjury for the testimony she offered during Glasgow's trial. The Life Prisoner Decision Facesheet dated 2/20/02 indicates that parole was denied per stipulation for one year with the recommendations that Glasgow remain disciplinary free and participate in self-help programs when available. Glasgow did comply with these recommendations. On 2/28/01, Glasgow filed a BPT 1040 requesting that his waiver of hearing be invalidated as it violated statutory law and administrative mandates. In his appeal he stated that the decision is illegal and that the BPT did not have the lawful authority to make the prisoner waive his hearing. His appeal states that on 1/23/01 at CTF, commissioners did require under threat of multiple year denial if prisoner entered the hearing room for his statutorily mandated parole hearing. He states his attorney presented him with a waiver of hearing and stipulation of unsuitability form. In preparation for his 1/23/01 hearing he states that he collected the trial hearing testimony of Ms. Watts, the court documents showing her perjury conviction for this testimony and provided them to the attorney appointed by the BPT. Glasgow states that he was deprived of lawful opportunity to present these court documents and critical information upon which the alleged finding of unsuitability was based. He states one of the commissioners accused him of lying based on the perjured testimony of Ms. Watts and following that, commissioners demanded he sign a waiver under threat and was not permitted or allowed to have his legally required parole hearing. His appeal was returned to him on 3/9/01 with a notation that according to BPT records, on 1/23/01 Glasgow stipulated to a one-year denial of parole. In doing so he also waived his right to appeal the decision and therefore his appeal was dismissed. During an interview with Glasgow in preparation for the writing of this Board Report, Glasgow presented one court document dated 11/9/81, order for probation on Patricia Ann Watts with the indication that the charge was for perjury. That form has been placed into the miscellaneous section of the Central File. The form makes no reference to the fact that Watts perjured herself during testimony presented at Glasgow's murder trial. However, Glasgow indicated that prior to his next scheduled BPT hearing, he would have complete documentation to verify that Watts was convicted of perjuring herself during his trial.

- C. **Therapy and Self-Help Activities:** Glasgow received a Certificate of Completion dated 12/14/00 for having successfully completed the Salesmanship II and Key to Fatherhood classes offered by the Muslim Chaplain through the Muslim Development Center at CTF. He also received a CDC 128B dated

2/20/02 indicating that he had successfully participated in and completed the Muslim Development Center's Anger Management course. The chrono states that this course is based on principles rooted in interfaith religious scripture and spiritual models of exemplary social behavior. The course was offered over a two-week period of seminar-based lectures and class participation. The chrono states Glasgow was awarded a Certificate of Completion for his participation in this course. Glasgow also received several CDC 128B's indicating his continued attendance at Alcoholics Anonymous/Narcotics Anonymous meetings at CTF-C. The chronos state that Glasgow has been a contributing member of this group since 7/96.

**D. Disciplinary History:**

**CDC 128A's**

6/16/86	CTF	Failure to respond to a ducat.
6/14/89	CTF	Failure to lockup.
8/25/96	CTF	Poor job performance.
12/14/99	CTF	Altering State property.
1/29/02	CTF	Smoking inside a State building.

**CDC 115's**

6/14/93	CTF	3005(B)	Disobeying a Direct Order to Submit a Urine Sample; Guilty: assessed 30 days LOC.
6/15/93	CTF	3005(B)	Disobeying a Direct Order to Submit a Urine Sample; Guilty: assessed 30 days LOC.
10/24/99	CTF	3006(C)	Possession of Gambling Paraphernalia; Guilty: This is an Administrative CDC 115, counseled, warned, and reprimanded.

**IV. FUTURE PLANS:**

- A. **Residence:** Glasgow indicated that his future plans as documented in the Board Report dated January, 2002 remain the same. He states he would like to parole to San Jose, CA, to reside with his brother-in-law Lloyd Woods. Mr. Woods resides

at 248 Alpine Avenue, San Jose, CA 95127. Telephone number (408) 259-7832. There is a letter dated 10/16/02 from his brother-in-law Lloyd Woods indicating that Glasgow would be able to live with Woods and that he would help support him. That letter has been placed in the miscellaneous section of the Central File. San Jose is in Glasgow's county of commitment, Santa Clara.

- B. **Employment:** Glasgow stated that his employment plans as stated in the January, 2002 Board Report remain the same. He has a letter dated 10/21/02 from Irvin Goodwin, which has been placed into the miscellaneous section of the Central File. Mr. Goodwin is the CEO of a non-profit corporation and has offered employment to Glasgow as a building maintenance man at a rate of \$11.00 per hour. The employment location would be at Goodwin's office, 795 Willow Road, Menlo Park, CA 94025. Goodwin's telephone number is (650) 493-5000, extension 22453.

- V. **USINS STATUS:** Glasgow is a U.S. citizen.

VI. **SUMMARY:**

- A. Considering the commitment offense, prior record and prison adjustment, Glasgow would probably pose a low degree of threat to the public safety if released from prison at this time. This is based on the fact that Glasgow has programmed successfully over the years with a fairly minor disciplinary record. He has complied with the recommendations of the BPT and appears to have good parole plans.
- B. Prior to release Glasgow could benefit from remaining disciplinary free, continuing to program successfully and continuing to attend any self-help programs that become available.
- C. This report is based on an interview with the prisoner on 11/25/02 lasting approximately one hour and a complete review of his Central File lasting about two hours.
- D. Glasgow was afforded an opportunity to examine his Central File on 11/25/02. He signed a CDC 128B dated 11/25/02 indicating he did review his Central File in preparation for his appearance before the BPT.
- E. No accommodation for the purposes of effective communication was required per the Armstrong Remedial Plan (ARP).

P.R. Miner 1/17/03  
P.R. Miner Date  
Correctional Counselor I

C. Plymesser 1/21/03  
C. Plymesser Date  
Correctional Counselor II

L. Trexler 1-21-03  
L. Trexler Date  
Facility Captain

D.S. Levorse 1-27-03  
D.S. Levorse Date  
Classification and Parole Representative



BOARD OF PRISON TERMS

STATE OF CALIFORNIA

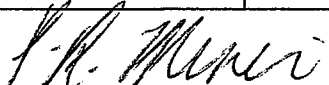
## LIFE PRISONER: POSTCONVICTION PROGRESS REPORT

- ☐ DOCUMENTATION HEARING
- ☒ PAROLE CONSIDERATION HEARING
- ☐ PROGRESS HEARING

## INSTRUCTIONS

TO CDC STAFF: DOCUMENT EACH 12-MONTH PERIOD FROM THE DATE THE LIFE TERM STARTS TO PRESENT

TO BPT STAFF: FOR EACH 12-MONTH INCREMENT APPLY THE GUIDELINES UNDER WHICH THE PAROLE DATE WAS ORIGINALLY ESTABLISHED, ie., 0-2 MONTHS FOR PBR AND 0-4 MONTHS FOR BPT. SEE BPT §§2290 - 2292, 2410 AND 2439.

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
10/01 to 10/02			<p><b>PLACEMENT:</b> General population at CTF.</p> <p><b>CUSTODY:</b> MED A</p> <p><b>CLASSIFICATION SCORE:</b> 0</p> <p><b>ACADEMIC:</b> None noted this period.</p> <p><b>WORK:</b> Remained assigned to the Culinary until 3/16/02 when he was assigned to Textiles, a position, which he continues to hold. He received Work Supervisor Reports dated 1/26/02, 1/29/02, 5/1/02, and 6/1/02, all with satisfactory grades.</p> <p><b>VOCATION:</b> None noted this period.</p> <p><b>GROUP ACTIVITIES:</b> Received CDC 128B's dated 1/1/02, 3/10/02, 4/1/02, 6/26/02, 7/1/02, 10/1/02, 10/2/02, all indicating his continued attendance at Alcoholics Anonymous/Narcotics Anonymous meetings. The chronos state that he has been a contributing member of these groups since 7/1/96. Glasgow also received CDC 128B's dated 2/19/02, 6/20/02, and 9/26/02, indicating that he has been actively participating in the Distance Learning Program. He has continued to upgrade educationally in life skills lessons for the quarter ended 9/02. He also received a CDC 128B dated 2/20/02 indicating that he had successfully participated in and completed the Muslim Development Center's Anger Management course. This course is based on principles based on interfaith religious scripture and spiritual models of exemplary social behavior. The course was offered over a 2-week period of seminar-based lectures and class participation. The chrono goes on to state that he was awarded a Certificate of Completion.</p> <p><b>PSYCH TREATMENT:</b> None noted.</p> <p><b>PRISON BEHAVIOR:</b> Remained disciplinary free this period.</p>
			DATE 11/13/02
GLASGOW, BRICE	C26529	CTF	FEB/2003

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

## CONTINUATION SHEET: LIFE PRISONER : POSTCONVICTION PROGRESS REPORT

POSTCONVICTION CREDIT			REASONS
YEAR	BPT	PBR	
10/02 to 12/02			<b>PLACEMENT:</b> General population at CTF. <b>CUSTODY:</b> MED A <b>CLASSIFICATION SCORE:</b> 0 <b>ACADEMIC:</b> None noted this period. <b>WORK:</b> Continues to be assigned to Textiles. His most recent Work Supervisor Report dated 9/1/02 indicates all satisfactory grades. <b>VOCATION:</b> None noted this period. <b>GROUP ACTIVITIES:</b> Received CDC 128B dated 10/1/02 indicating continued attendance at Alcoholics Anonymous/Narcotics Anonymous group meetings. It indicates he has been a contributing member of this group since 7/1/96. <b>PSYCH TREATMENT:</b> None noted. <b>PRISON BEHAVIOR:</b> Remained disciplinary free this period.

## ORDER:

☐  
☐

BPT date advanced by        months.  
PBR date advanced by        months.

☐  
☐

BPT date affirmed without change.  
PBR date affirmed without change.

## SPECIAL CONDITIONS OF PAROLE:

☐  
☐

Previously imposed conditions affirmed.  
Add or modify

☐

Schedule for Progress Hearing on appropriate institutional calendar

GLASGOW, BRICE

C26529

CTF

FEB/2003

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

**EXHIBIT 6**

STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE  
BUREAU OF IDENTIFICATION  
P. O. BOX 13417, SACRAMENTO

SN# 573 56 2387  
OL# P565783  
SN# 732 97 8792  
OE# FFO55870 (AZ)  
IS FOR OFFICIAL USE ONLY

The following CH record, NUMBER

1 610 650

18 M 13 U OOM 16  
1 2 U IOI 15

NEGRO 5-10 165 ARK. 4-23-1942

GLASGOW: BRICE

AKW

ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
ALIAS: BRICE GLASGOW; MICHAEL BRICE; ODELL WARD; MICHAEL STEVENSON; THOMAS RONALD GREEN; ALFRED WALLER; AL BRYCE WHEELER; OTIS WOOD; BRYANT GLASGOW; LLOYD WOOD; LEE GLASGOW; TYRONE LEE CARMON; LAVERNE GLASGOW; LEE BRYANT GLASGOW; LAVERNE GLASGOW; SAMMIE SMITH; LEVINE GLASGLOW;				
11-3-59	SO STOCKTON 71614	BRICE GLASGOW	JUV.DET.ORDER	
12-29-59	CALIF.YOUTH AUTH. PERKINS 40484	BRICE GLASGOW	SUB M; CARRYING A CONCEALED WEAPON & VIO. QR PROB.BATT.	FROM: SAN JOAQUIN JUV.CRT. 12-23-60, PAROLED (S 4-23-63, TENT.DISC
1-12-60	SO STOCKTON 71614	BRICE GLASGOW	DETENTION ORDER	
7-24-61	PD SANTA MONICA CR 37420/MUG 44113	BRICE GLASGOW	404 PC (RIOT) 12020 PC (CCW) & DIS.COND.	8-23-61, DISM.
3-20-61	PD LOS ANGELES 582085-G	BRICE GLASGOW	217 PC (ASSLT W/I TO COMM. MURDER)	
8-20-61	SO LOS ANGELES B-797084	BRICE GLASGOW	ADW	
1-3-62	CALIF.YOUTH AUTH. PERKINS 40484	BRICE GLASGOW	RET.PV	FROM: SAN JOAQUIN CO.JUV.CRT. 1-23-63, PAROLED (OA) 5-9-63, DISCH.

Since neither fingerprints nor an identifying number which is indexed in our files accompanied your request, this Bureau cannot guarantee in any manner that this material concerns the individual in whom you are interested.

CONTINUED PAGE 2

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STATE OF CALIFORNIA  
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P. O. BOX 1859, SACRAMENTO

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BRICE GLASGOW

PAGE 2

ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
-4-63	SO STOCKTON, 71614	BRICE GLASGOW	1: INV. 211 PC 2: 245 PC 3: 4-040 SMC DANG. WEAPON	7-23-63, 1: DISM., INTEREST OF JUSTICE. 2: 9 MOS. CO. JL., 5-6-63, 3: 90 DS. JL., 1 SUSP.
-3-64	PD EL CERRITO 13478	BRICE GLASGOW	INV. 459 PC (BURG)	6-17-64, \$56. FINE
-5-64	SO MARTINEZ, 109301	BRICE GLASGOW	484 PC (THEFT) (EL CERRITO PD ARR.)	
-24-64	PD OAKLAND, 171613	BRICE GLASGOW	484 PC (SHOPLIFT)	9-25-64, \$50. OR 5 DS. CO. JL. & \$8. PEN
0-7-64	SO STOCKTON, 71614	BRICE GLASGOW	459 PC (ATT.) <i>Burg.</i>	10-13-64, DISM.
2-24-64	PD RICHMOND, 39692	BRICE GLASGOW	INV. 459 PC (TILE TAP) <i>Burg.</i>	NCF
-21-65	SO STOCKTON, 71614	BRICE GLASGOW	245 PC <i>Adm</i>	11-2-65, 242 PC, DISM.
-27-65	PD LONG BEACH 172903/DR 216298	BRICE GLASGOW	PT (SHOPLIFT)	8-11-65, 5 DS. JL., \$56. FINE
-27-65	PD SAN JOSE 116704/180961	BRICE GLASGOW	487 PC (GT) 182 PC (CONSP)	1-27-66, CONV. OF 459 182 PC, 9 MOS. JL., 3 YRS. PROB.
CONTINUED PAGE 3				

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BRICE GLASGOW  
PAGE 3

ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
-7-65	PD SAN JOSE 116704/181757	BRICE GLASGOW	459 PC <i>Burg.</i>	9-7-65, HTA
0-1-65	PD SAN JOSE 116704/183545	BRICE GLASGOW	182.1 PC & OVERT ACT 1 (SELF SURRENDER) CHGD: 459, 182 PC <i>Burg.</i>	1-27-66, 9 MOS. JL., 3 YRS. PROB.
0-1-65	PD SAN JOSE 116704/183545	BRICE GLASGOW	182.1 PC <i>Conspiracy</i>	1-27-66, CONV. OF 459, 182 PC, 9 MOS. JL., 3 YRS. PROB.
0-28-65	SO STOCKTON, 71614	BRICE GLASGOW	415 PC <i>Fighting</i>	10-29-65, 90-1 SS 90 DS JL., 12-1-65, SENT. COMMUT TIME SERVED, BAL. SUSP. 3 YRS. FROM 10-29-65
-18-66	PD SAN JOSE 116704/191555	BRICE GLASGOW	<i>Burg. Conspir</i> 459, 182 PC (SO ARR.) 242 PC <i>BATT.</i>	1-27-66, 459, 182 PC, 9 MOS. 8-17-66, 242 PC, BAIL
9-22-66	ST. JL., FAIRBANKS ALASKA, FJ 3410	BRICE GLASGOW	POSS. STOLEN PROP. <i>RSP</i>	
-17-67	SO STOCKTON, 71614	BRICE GLASGOW	447A, 452 PC <i>ARSON</i>	

CONTINUED PAGE 4

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BRICE GLASGOW

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ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
-9-67	PD SAN JOSE 116704/227254	BRICE GLASGOW	470 PC(FORG)	
10-27-67	PD YAKIMA, WASH., 28398	BRICE GLASGOW	DEF. INNKEEPER CCW-ILLEG. POSS. GAMB. DEVICE-HOLD FOR ALASKA (GT)	DISM DISM DISM REL TO ALASKA STATE POLICE
-19-69	SO STOCKTON, 71614	BRICE GLASGOW	5-002.1 SMC (SHOOT CRAPS) (STOCKTON PD ARR.)	5-1-69, "J" PG 180 DS. SUSP. 3 YRS. & \$500. OR 1 FOR \$10. COMMITMENT ISSUED
-1-69	SO STOCKTON, 71614	BRICE GLASGOW	5001.2 SMC (STOCKTON PD ARR.)	5-2-69, \$500. OR 1/10
0-5-69	PD SEASIDE DR 10017	BRICE GLASGOW	330 PC (GAMING)	\$100., \$50. SS 2 YRS.
12-25-69	PD SAN JOSE 116704/303265	BRICE GLASGOW	#1, 459 PC BURG. #2, 182 PC CONSP.	12-26-69, REL. BY CRT
-5-70	PD MONTEREY 20394	MICHAEL BRICE	12951A VC NO DRIV. LIC. IN POSS.	4-6-70, B/F
--		CONTINUED PAGE 5		--

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BRICE GLASGOW

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ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
5-17-70	PD SAN FRANCISCO 252320	BRICE GLASGOW	1-332 PC, WINNING AT PLAY BY FRAUDULENT MEANS 2-1291A MPC CARRYING CONCEALED WPN. 3-647E PC, LOITERS OR WANDERS THE STREET AT NIGHT W/OUT APPARENT REASON	
7-22-70	PD SAN FRANCISCO 252320	ODELL WARD	459 PC, BURG.	7-23-70, DISCH. PER 849B(1) PC. NOT AN ARREST, DETENTION ONLY. (INSUFF. EVID.)
8-29-70	PD SACRAMENTO S-31660	MICHAEL STEVENSON	182.1 PC CONSPIRACY	FAIL TO APP. B/W ISS'D
9-26-70	SO STOCKTON 71614	BRICE GLASGOW	484 PC THEFT (DEFINED)	RELEASED TO SAN JOAQUIN CO. SHERIFF
10-19-70	SO STOCKTON 71614	BRICE GLASGOW	12951A CVC NO OPER. LIC. IN POSS. 11721 H&S ADDICTION	3-9-71, 12951A VI PG TO 647F PC DRK "A" DISM.; "J" PG, DI 180 DS SUSP F/3 YR
CONTINUED PAGE 6				

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ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
1-1-70	PD SAN JOSE 116704/B-331501	THOMAS RONALD GREEN	1-487 PC GRAND THEFT 2-459 PC BURG. (ARR BY PD MILPITAS)	11-2-70, REL. 849B(1 PC, NOT DEEMED ARR.
-4-71	PD SACRAMENTO S-31660	MICHAEL STEVENSON	FTA(182.1PC) CONSPIRACY	1-26-71, 22 DS.CO. JL.CTS PG 484 PC
-5-71	SO SACRAMENTO, 127893	MICHAEL STEVENSON	CONSP. TO COMM.THEFT	CITY REMAND
-28-71	SO STOCKTON 71614	BRICE GLASGOW	WT.484 PC, 11721 H&S, 12951A VC (PD STOCKTON ARR.)	3-9-71, 647F PC, "J" PG, 180 DS.SUSP.FOR 3 YRS; 12951 VC, "A" DISM.FOJ PG TO 647F PC
-9-71	PD SAN JOSE, 116704/341014	BRICE GLASGOW	1-WARR. (4000A VC) 2-459 PC, BURG	
-24-71	SO OAKLAND, 71/11456	BRICE GLASGOW	1-148 PC(R. ARR.) 2-529.3 PC(ACT IN AN ASSUMED/CHAR- ACTER) 3-23123 VC (OPEN/ALCO. CONT.VEH.)	10-10-72, 484, 148 PC, MISD., "A" DISM., FURTHER OF JUST., MTN.DEP.DA
-2-71	PD SEASIDE, DR-10017	BRICE GLASGOW	MISD.TRAFF. WARR.	FN \$19
--		CONTINUED PAGE 7		--

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ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
7-17-71	SO REDWOOD CITY 74533	BRICE GLASGOW	459 PC	E/R PD BRISBANE 8-24-71, 484 PC W/PR. FEL. CONV. "A" DISM. FURTHER. OF JUSTICE, UNAVAIL. OF EVID.
7-17-71	PD BRISBANE 71-1030	BRICE GLASGOW	459 PC, BURG.	
10-14-71	PD SAN JOSE 36259	BRICE GLASGOW	1) 31 VC, FALSE INF. TO PO 2) 11721 H&S NARC. ADDICT. 3) 12951 VC, WARR. 4) 26710 VC, WARR. (ARR BY PD MOUNTAIN VIEW)	
10-21-71	PD SAN JOSE 365366	BRICE GLASGOW	484 PC, WARR.	
11-27-71	PD SAN JOSE 116704/370590	BRICE GLASGOW	1) 459 PC, BURG 2) 487 PC, G.T.	
12-28-71	PD SAN JOSE 116704/373416	BRICE GLASGOW	WARR. 475A PC	
1-6-72	PD SAN JOSE 116704/374265	BRICE GLASGOW	488 PC, P.T.	

CONTINUED PAGE 8

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ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
1-23-72	PD SAN MATEO 51144	BRICE GLASGOW	496 PC, POSS. STOLEN PROP.	10-26-72, "J" CONV. OF 484 PC, PG, 30DS. CJ CC 496 PC, DISM. INT. OF JUST., PUR. TO NEG.
1-24-72	SO REDWOOD CITY 74533	BRICE GLASGOW	1) 484 PC	E/R SAN MATEO PD
1-31-72	SO SAN JOSE 7202343	BRICE GLASGOW	2) 496 PC 484 PC	2-1-72 DETENTION ONLY, TRANSF. FOR PRO
2-4-72	PD SAN JOSE 116704	BRICE GLASGOW	664 PC, ATT. P.T.	
-9-72	SO REDWOOD CITY 74533	BRICE GLASGOW	1) 484 PC 2) 496 PC	E/R PD SAN MATEO
2-16-72	SO REDWOOD CITY 74533	BRICE GLASGOW	1) 484 PC 2) 496 PC	E/R SAN MATEO PD
3-24-72	PD SAN JOSE 7208672	BRICE GLASGOW	484 PC B/W	12-13-71 #F4948 48. PC B/W MISD, 6 MOS. CC, 1-26-73 #53330 CONV. 475A PC FEL. 3 YRS. PROB., 12 MOS. JL CS, 2-5-73 #M24061 CONV. 664 PC MISD, 5 SENT. SUSP. 2 YRS. SU PROB, 90 DS. JL., 45 SUSP.
5-26-72	SO STOCKTON 71614	BRICE GLASGOW	11721 H&S ADDICTION	
5-30-72	SO MODESTO 73630	ALFRED WALLER	484-488 PC, PT	
7-21-72	SO MERCED, 30075	AL BRYCE WHEELER	211 PC	9-21-72 "J" CONV. OF 459 PC, PG, 18 MOS. PROB., 12 MOS. CO. JL CREDIT TIME IN CUSTODY

CONTINUED PAGE 9

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ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
1-8-72	SO SAN JOSE 7235063	BRICE GLASCOW	475A PC	
5-2-74	PD SAN JOSE 116704/7416628	BRICE GLASCOW	11550 H&S, MISD.	5-6-74, REL. 849B(1) PC DEEMED NOT ARR., DET ONLY.
6-14-74	PD SANTA CLARA 30175	OTIS WOOD	1. 475A PC RECEIPT OR POSS. FORGED BILLS 2. 148 PC RESIST. OR DELAYING PEACE OFF. 3. 647E PC LOITERING	
7-8-74	PD SAN MATEO 57500	BRICE GLASCOW	SM WT. 14601 VC	8-15-74, 12500 VC: DISM., LACK OF PROS.
9-29-74	ALAMEDA CO. CIB., 54529AA1841	BRICE GLASCOW	484/PC	DISM., NEG. PLEA
7-11-75	PD SAN JOSE 7531284	BRICE GLASCOW	1-11550 H&S MISD. 2-20002AVC MISD. 3-23105AVC MISD.	7-14-75, CT 1, 2, & 3 REL. 849B.1 PC, DEEME NOT ARR., DET. ONLY: CONV. OF 1203PC, FEL PROB/PAROLE HOLD/RE 2-21-79 #75293, JD# 43470 20002A VC MISD, PG 5 DS. JL, 5 DS. CTS
		CONTINUED PAGE 10		

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ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
1-16-76	SO SAN RAFAEL 61287	LEE GLASCOW	459PC/BURG	4-14-77, #CR 86407; JD#21420, 459 PC, FEL, 3 CTS., DISM.
3-25-76	PD SAN FRANCISCO 252320	LEE B. GLASGOW	488 PC PETTY THEFT	
7-27-76	PD SAN FRANCISCO 252320	L. B. GLASGOW	487.1PC GL/PROP.	
11-20-76	PD SUNNYVALE 7653281	TYRONE LEE CARMON GLASGOW	1) 484 PC, L. THEFT 2) 4143A B&P, POSS. & CONTROL HYPO NEEDLE 3) 182 PC, CONSP.	
8-21-77	SO SAN RAFAEL 61287	LEE BRYANT GLASGOW	459 PC, FEL.	7-26-78 #C 8237, JC 21420 490.5 PC MIS 2 CTS. #D# DISM. DC TO DELAY
9-29-77	ALAMEDA CO CIB 66670AA1341	LAVERN GLASGOW	459PC FEL (ARR BY PD ALAMEDA)	
CONTINUED PAGE 11				

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ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
1-27-77	PD BURLINGAME 260444/7228	LEE BRYANT GLASGOW	484 PC, PT	1-12-78, #M 61323, JD# 41420 664/484 PC MISD, DISM, INSUFF. EVID, DDA MOT.
11-28-77	SO REDWOOD CITY 122355	LEE BRYANT GLASGOW	664/484A PC THEFT PERS PROP (ARR BY PD BURLINGAME)	PD BURLINGAME COMM
3-19-78	PD SAN FRANCISCO 252320	LEVINE GLASGLOW	488PC/P.T.	6-27-78, #166701, JD# 38460, MISD, PROC SUSP BWI
4-14-78	PD SAN FRANCISCO 252320	LAVERNE GLASGOW	#1. 488 PC PETTY THEFT #2. 488 PC PETTY THEFT	6-27-78, #172356, JD# 38460, CTS 1 & 2, MISD, PROC SUSP, BWI
5-18-78	PD SAN FRANCISCO 252320	LAVERNE GLASGOW	488 PC, SHOP- LIFTING	6-27-78, #178989, JD# 38460, 488 & 242PC, MI PROC SUSP, BWI; 7-25- 488PC, PG, 6MOS JL SS 36MOS CRT PROB, 300S CJ; 242PC, "A", DISM, F 2-13-79, PROB VIO RE BWI
5-23-78	ALAMEDA CO CIB 042239AA1841	LAVERN GLASGOW	1-211PC FEL 2-W#CR8841 664/488PC 3-W#C8237 FTA 490.5PC (ARR BY PD BERKELEY)	7-11-78, #70521, JD# 01420, CONV 484PC, PC MISD, 180DS JL, 1DAY SUSP
CONTINUED PAGE 12				

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ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
-30-79	PD SAN FRANCISCO 252320	BRICE GLASGOW	12020 APC POSS MFG SELL DANG WPN	2-13-79 #233807, JD#3846 12020A PC MISD, PROC. SUSP B/WT. ISS, FTA; 3-1-79 PG, 6 MOS. JL. SENT. SUSP, 36 MOS. CT. PROB, 6 DS. JL, 6DS CTS
2-4-79	SO SAN RAFAEL 71711	BRICE GLASGOW	1) 459 PC BURG 2) 182.1 PC CONSP TO COMMIT CRIME (ARR BY PD SAN RAFAEL, 79 1025)	2-14-79 #C 19895A, JD# 21420 459 PC MISD, DISM 490.5 PC MISD, PG, 36 MOS. SUM. PROB. W/O SUPV, 20 DS. JL.
2-20-79	PD SAN JOSE 7952972/AGL945	BRICE GLASGOW	WRT#M75293 20002A VC H&R PROP DMG 2CTS, MISD	
-7-79	PD RICHMOND 39692	BRICE GLASGOW	182.1 PC FEL CONSP	10-26-79, #192357 JD# 07460, 484-666 PC, 459 PC, FELS. DISM. JUDG. ARR. DEFT. DISCH.
3-1-80	SO, STOCKTON 71614	BRICE GLASGOW	1) 187PC HOMICIDE ON WARR. 2) 217PC, ON WARR. ASLT. W/I TO COM. MURDER	3-3-80, E/R PD PALO ALTO to
3-4-80	PD PALO ALTO 8039743/AGL945	BRICE GLASGOW	1-187 PC MURDER 2-245A PC ADW	to

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ARRESTED OR RECEIVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
2-19-81	CALIF. DEPT. OF CORRECTIONS, C-26529	BRICE GLASGOW	CS.#75071., CT.1,MURDER 1ST (187 PC) CT.2,ADW(245A PC)W/USE OF F'ARM(12022.5 PC)	TERM: CT.1:25-LIFE CT.2:5 YRS.,

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**EXHIBIT 7**

**PSYCHOLOGICAL EVALUATION FOR THE BOARD OF PRISON TERMS  
(REVISED AUGUST 1999)  
PAROLE CONSIDERATION HEARING  
DECEMBER 2004 LIFER CALENDAR**

**CORRECTIONAL TRAINING FACILITY, SOLEDAD  
DECEMBER 1, 2004**

This is a psychological evaluation for the Board of Prison Terms on inmate Brice Glasgow, CDC# C-26529. This is an addendum to a previous psychological evaluation completed 05/04/00. This report is based upon a personal clinical interview of the inmate, conducted on 12/01/04, as well as a review of his Central file and unit health record. This clinical interview and a review of all pertinent documents were for the express purpose of preparing this report.

Inmate Glasgow is a 63-year-old, black male whose date of birth is 04/23/41. He is a U.S. citizen and speaks fluent English. No obvious unusual physical characteristics were observed, and he denied ever using any nicknames or aliases.

Inmate Glasgow said that he has maintained good relations with his 24-year-old daughter who was born from his first marriage. He noted that he is now married a second time. His second marriage began in 2003, and he has maintained a warm and supportive relationship with his current wife. He also noted that he has known his current wife since the 1960s.

Inmate Glasgow said that he has remained regularly employed by PIA industries in materials cutting and sewing since 1996. He also said that he is on the waiting list for a real estate training program. Inmate Glasgow also said that he still regularly attends Alcoholics Anonymous.

Inmate Glasgow has hypertension, noting the symptoms are well controlled by medication.

Inmate Glasgow's plans if granted parole also include two additional job offers from his family members, which include furniture delivery and apartment managing.

**CLINICAL ASSESSMENT**

**XII. CURRENT MENTAL STATUS/TREATMENT NEEDS:**

During the clinical interview, inmate Glasgow was alert and oriented to person, place, and time. He was well dressed and groomed. His speech was articulate and contextually meaningful. His mood and affect were within normal limits, and his behavior was appropriate to the setting. No evidence of a mood or thought disorder was demonstrated. His estimated level of intellectual functioning was within the average range.

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**CURRENT DIAGNOSTIC IMPRESSIONS (DSM-IV):**

- AXIS I:** Heroin dependence, in sustained full remission in a controlled environment.  
**AXIS II:** No contributory personality disorder.  
**AXIS III:** Hypertension.

In addition to regularly attending Alcoholics Anonymous and Narcotics Anonymous, inmate Glasgow also completed a number of other self-help groups since the completion of his first evaluation. In 2002, he completed an Anger Management group, and also a Life Skills program obtained through Distance Learning. In 2004, he completed the Impact group, and another Anger Management group.

**XIII. REVIEW OF LIFE CRIME:**

Inmate Glasgow described the circumstances surrounding his commitment offense, involving first-degree murder and assault with a deadly weapon. His recollection of the instant offense was consistent with that of the record and the previous psychological evaluation. He acknowledged the damage done to the victims, including his niece and the victim's family. He showed good insight into the causative factors related to the instant offense, and seemed genuinely penitent for his crime.

**XIV. ASSESSMENT OF DANGEROUSNESS:**

- A.** His risk for violent behavior within a controlled setting is considered to be low relative to the average level II inmate population in a controlled setting. This conclusion is based upon several factors.

On the one hand, he does have a juvenile criminal history, and he was placed in CYA on two occasions. His adult criminal history includes numerous arrests. He has three CDC-115 disciplinaries, the last received in 1999 for possessing gambling paraphernalia (gambling chips). He has received five CDC-128 minor disciplinaries, the last received in 2002 for a smoking violation.

On the other hand, however, he has never received a violent disciplinary or a substance abuse disciplinary during his 23 years completed within CDC. He has also received only five minor disciplinaries, and no disciplinaries for the last two years. He has also completed a number of self-help programs and has regularly attended Alcoholics Anonymous and Narcotics Anonymous groups for many years. He also has developed a good job ethic, having worked for approximately eight years in PIA industries, and also has print shop and fabric-cutting skills.

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In addition to the clinical interview, he was also administered two additional psychological instruments. Results from the HCR-20 indicate a low risk of violence for this individual relative to the inmate population in a controlled setting. Results from the Hare Psychopathy Checklist, Short Version, do not suggest the presence of psychopathy.

Therefore, in light of these factors, his violence potential is considered to be significantly below that of the inmate population in a structured setting and in the community setting.

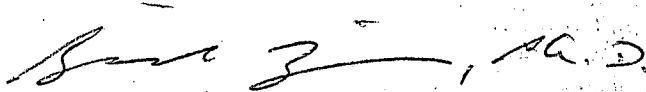
- B. If released to the community, clinically assessed, his violence potential is considered to be no more than that of the average citizen in the community.
- C. There are no significant risk factors which may be a precursor to violence for this individual.

**XV. CLINICIAN OBSERVATIONS/COMMENTS/RECOMMENDATIONS:**

- A. This inmate is competent and responsible for his behavior. He has the capacity to abide by institutional standards.
- B. This inmate does not have a mental health disorder which would necessitate treatment either during his incarceration period or following upon parole.
- C. This inmate does have a heroin abuse history. However, he has remained abstinent from abuse of heroin for over 23 years, and has regularly attended Narcotics Anonymous within CDC, and does not appear at this point to be a significant risk factor for violence. Continued participation within Narcotics Anonymous within CDC no longer appears to be warranted. However, participation within Narcotics Anonymous as a contingency for parole for one year is suggested.

  
**Joe Reed, Ph.D.**  
**Staff Psychologist**  
**Correctional Training Facility, Soledad**

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**B. Zika, Ph.D.**  
**Senior Supervising Psychologist**  
**Correctional Training Facility, Soledad**

JR/gmj

D: 12/01/04  
T: 12/02/04

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**EXHIBIT 8**  
**Part 1 of 2**

Name Brice GlasgowAddress Post Box 689Soledad, Ca 93960-0689CDC or ID Number C-26529**ORIGINAL FILED**

AUG 18 2006

THE SUPERIOR COURT OF CALIFORNIATHE COUNTY OF SANTA CLARA

(Court)

KIRI TORRE  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara  
By S. Chua DeputyBrice Glasgow

Petitioner

vs.

B. Curry, Warden (A)Respondent A. SCHWAREZENEGGER,GOVERNOR: et al.,

## PETITION FOR WRIT OF HABEAS CORPUS

No. 75071

(To be supplied by the Clerk of the Court)

## INSTRUCTIONS — READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies.
- If you are filing this petition in the California Supreme Court, file the original and thirteen copies.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rules 56.5 and 201(h)(1) of the California Rules of Court [as amended effective January 1, 1999]. Subsequent amendments to Rule 44(b) may change the number of copies to be furnished the Supreme Court and Court of Appeal.

This petition concerns:

- ☐ A conviction ☒ Parole  
☐ A sentence ☐ Credits  
☐ Jail or prison conditions ☐ Prison discipline

☒ Other (specify): Illegal denial of Parole Suitability by California Board of Prison Terms.

1. Your name: \_\_\_\_\_  
 2. Where are you incarcerated? Correctional Training Facility - Soledad  
 3. Why are you in custody? ☒ Criminal Conviction ☐ Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

12022.5

- b. Penal or other code sections: 245A, 12022.5  
 c. Name and location of sentencing or committing court: Santa Clara County  
 d. Case number: 75071  
 e. Date convicted or committed: December 19, 1980  
 f. Date sentenced: Feb 11, 1981  
 g. Length of sentence: First Degree Murder (25 Years to Life)  
 h. When do you expect to be released? At the Minimum Release Date  
 i. Were you represented by counsel in the trial court? ☒ Yes. ☐ No. If yes, state the attorney's name and address:

4. What was the LAST plea you entered? (check one)

☒ Not guilty ☐ Guilty ☐ Nolo Contendere ☐ Other: \_\_\_\_\_

5. If you pleaded not guilty, what kind of trial did you have?

☒ Jury ☐ Judge without a jury ☐ Submitted on transcript ☐ Awaiting trial



## 6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." *(If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)*

See Attached

## a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. *If necessary, attach additional pages.* CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: *who did exactly what to violate your rights at what time (when) or place (where).* *(If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)*

See Attached

## b. Supporting cases, rules, or other authority (optional):

*(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)*

See Attached

THE BOARD OF PRISON TERMS ILLEGALLY USED PENAL CODE SECTION 3041 (b) [THE EXCEPTION] TO FIND PETITIONER UNSUITABLE FOR PAROLE. THE DECISION WAS ARBITRARY AND CAPRICIOUS, INDIRECT VIOLATION OF PETITIONER'S STATE AND FEDERAL DUE PROCESS RIGHTS. THERE IS NOT A MODICUM OF EVIDENCE THAT PETITIONER IS A CURRENT THREAT TO SOCIETY OR UNSUITABLE FOR PAROLE.

On November 2, 2005, Petitioner Brice Glasgow, (hereinafter "Petitioner"), was provided a Life Term Parole Consideration Hearing before the Board of Parole Hearings (hereinafter "Board"; please refer to Exhibit "A", which is the Hearing Transcript, hereinafter "HT".) Said Board hearing was petitioner's fourth (4th) parole suitability hearing. Petitioner's minimum eligible release date was March 18th, 1998.<sup>1</sup> The purpose of this Board hearing was for the setting of Petitioner's term uniformly<sup>2</sup> to his offense and for a finding of suitability for parole (please See Penal Code § 3041.5; In re Edward Ramirez 94 Cal. Appl 4th 541 (2001); McQuillion v. Duncan, (9th Cir.) 306 F. 3d 895 In re Norman G. Morrall, (2002) 102 Cal. App. 4th 280; In re Rosenkrantz, (2002) 29 Cal. 4th 660; In re Mark Smith (2003) Cal. App 4th 343 and Biggs v. Terhume, (2003 9th Cir.) 334 F. 3d 910.

The consequent result of this Board hearing was an erroneous and unlawful finding of unsuitability and a release date was not set; Petitioner was given a one (1) year denial and did not appeal this decision through the Administrative remedy because the Board of Parole Hearing has eliminated the Appeal Unit and no longer allows for the filing of administrative appeals on BHP denials of parole for indeterminately sentenced prisoners such as myself. Petitioner submits that the Board's regulation, that is the California Code of Regulations (hereinafter "CCR") § 2402 (a). **DEMANDS**

1 that the Board set a release date unless Petitioner CURRENTLY  
2 presents a risk of danger to the public. Petitioner submits tht  
3 the representing District Attorney did not provide any new and  
4 /or additional evidence whatsoever that Petitioner was an  
5 unreasonable risk, a danger to the public, or otherwise  
6 unsuitable for parole.

7 Additionally, Petitioner submits that the Board speaks in  
8 meaningless generalities and fails to address the exact nature  
9 of Petitioner's CURRENT character. By not doing so, the Board  
10 violated the intent and spirit Penal Code (hereinafter "PC"), §  
11 3041.5, and In re Ramirez, supra, which dictates that "[T]he  
12 Board NORMALLY set a parole release." (citing Biggs v. Terhune,  
13 et al., supra).

14 The Court in Biggs, supra, held that the Board's continued  
15 use of the crime as a basis for denial of parole violates both  
16 State and Federal due process. For the past three years the  
17 Petitioner has had no occurrence of serious violent  
18 disciplinary action, thus exemplifying himself as a model  
19 prisoner; Petitioner seeks acknowledgement of the facts that  
20 since 2002, there has been thereafter a continuous four (4)  
21 years history free of any disciplinary action and or  
22 occurrence. Petitioner submits that the Board's failure to  
23 uniformly measure his offense and setting his term  
24 proportionately to others similarly situated, and to find him  
25 suitable for parole, violates both State and Federal due  
26 process. Also, the current policy of the Board, which will be  
27 discussed more fully infra, is the setting of a parole date  
28 which is all too often the exception rather than the norm, and

1 thus violates the Petitioner's liberty interest tht is present  
 2 in a parole date; In re Rosenkrantz, supra; McQuillion v.  
 3 Duncan, supra Biggs v. Terhune, et al., supra. At the  
 4 Petitioner's Board hearing, the Board relied SOLELY on the  
 5 commitment offense and prior history to justify it's unlawful  
 6 finding of unsuitability. Beginning at Ht, pg. 65, the Board  
 7 stated: That the commitment offense was carried out in an  
 8 especially cruel and callous manner in that the inmate shot and  
 9 killed Mr. Ralph Collins and there were three bullet wounds to  
 10 the back and two to the back of the head and also a shot into  
 11 Patricia Watts who was the inmates niece and she was shot once  
 12 in the back. That multiple victims were attacked in the same  
 13 incident and one was killed and one was injured and the motive  
 14 for the crime was explicable or very trivial in relation to the  
 15 offense and on the one hand we have as a result of and  
 16 altercation and on the hand we have that there was intentional

17  
 18 1. The Court of Appeal in In re George Scott, (2004) 119 Cal. App. 4th 871, reaffirmed the  
 19 rationale of the Ramirez and Smith Courts when it declared "...parole is the rule, rather than  
 20 the exception, and conviction for second degree murder does not automatically render one  
 21 unsuitable. (In re Smith, (2003) 114 Cal..Appl 4th 343, 366). In re Ramirez, supra, 94 Cal.  
 22 App. 4th 549..[a]ll violent crimes demonstrates the perpetrator's potential for posing a  
 grace risk to public safety, yet parole is mandatory for violent felons serving determinate  
 sentences. Pen Code § 3000, subd. (b)(1).) And the Legislature has clearly expressed its  
 intent that when murders- who are the grate majority of inmates serving indeterminate  
 sentences - approach their minimum eligible parole date, the Board 'shall normally set a  
 parole release date..." (id. at p. 570).

23 2. The Court of Appeal on June 24, 2004, In re George Scott, supra 119 Cal. App. 4th at 887  
 24 fn, 7, also reaffirmed the Legislative Intent of Uniform Terms by stating; "The first two  
 25 sentences of the DSL declare that the purpose of imprisonment or a crime is punishment and  
 26 that '[t]his purpose is best served by terms proportionate to the seriousness of the offense  
 27 with provisions for uniformity in the sentences of offenders committing the same offense  
 28 under similar circumstances. (Pen. code, § 1170, subd. (a)(1).) Nothing in the DSL or its  
 legislative history suggests that legislative concern with uniformity was limited to those  
 serving determinate terms. Penal Code 3041 shows that this interest does extend to  
 individuals such a s [Petitioner] who are serving indeterminate life terms (id., ciating,  
 Ramirez, supra, 94 Cal. App. 4th at 559.)

1 motives behind the shooting.

2 In addition, and with regard to the Petitioner's  
3 suitability, the board erred in it's conclusion that Petitioner  
4 was a threat to society and would pose an unreasonable risk of  
5 danger. Petitioner's Psychiatric Reports have been much to the  
6 contrary, and specifically, Dr Reed stated: that you are no  
7 more risk of violence then the average citizen. (See Psych  
8 Evaluation Exhibit "B" attached hereto).

9 Additionally, the Board ignored that Petitioner has been  
10 deemed by the California Department of Corrections a Model  
11 prisoner with A-1-A status, and Not a threat to society, and  
12 further ignored that Petitioner's crime is not "particularly  
13 egregious" by placing Petitioner in a Level II prison setting.

14 Again, In re Norman G. Morrall, supra, the Court concluded "  
15 A refusal to consider the particular circumstances relevant to  
16 an inmate's individual suitability for parole would be contrary  
17 to law." Moreover, the Court in Biggs, supra, addressed the  
18 Board's continued illegal usage of the crime and /or prior  
19 history to justify a denial of parole:

20 "...a continued reliance... on an unchaging factor,  
21 the circumstances of the offense and conduct prior  
22 to imprisonment, runs contrary to the rehabilitative  
23 goals espoused by the prison system and could result  
24 in a due process violation." (Biggs, supra, 334 F. 3d  
25 at 917).

26 In Biggs, supra, the appeal pursuant to his initial  
27 suitability hearing. The Petitioner has now had four (4) Board  
28 hearings and submits that his most recent denial rests solely  
on the commitment offense, and therefore violates both State  
and Federal due process. Most importantly, there is no

1 evidence that the public requires a lengthier period of  
2 incarceration (please refer to PC § 3041 (b)), in relation to  
3 other instances of the same crime (please refer to 3041.5).

4 Petitioner submits understanding and perspective of the  
5 crime is compelled by the Board's own proportionately matrix  
6 (please refer to CCR Division 2, 2403 (c)). The matrix scale  
7 and rating of the more common and routine variations of murder  
8 appear to be codification of when a crime of this nature can  
9 be more egregious than average. Petitioner submits that his  
10 crime falls squarely in the matrix [category of "twenty-six"  
11 (26) years. With post-conviction credits, Petitioner has  
12 exceeded the matrix by more than four (4) years - and without  
13 post conviction credit application, the Petitioner has served  
14 his matrix. The Board fails in any attempt to substantiate  
15 why Petitioner's crime is so heinous as to require that  
16 Petitioner be expected time and time again from the general  
17 rule that a parole date shall normally be set; please see In  
18 re Ramirez, supra, wherein the court:

19 "The Board must weigh the inmate's criminal conduct  
20 not against ordinary social norms, but against other  
21 instances of the same crime or crimes. (Ramirez,  
supra, 94 Cal.App 4th at p. 570).

22 Petitioner's Psychiatric Report evidence, like Biggs supra,  
23 is supportive of release; contrary to the Board's erroneous  
24 and specious findings (please see Exhibit "B"). The Court in  
25 Biggs, addressed the Board's illegal usage of needed therapy  
26 and other illegal reasons to justify a highly illegal denial;  
27 the Court concluded:  
28



1 "The record in this case and the transcript of Biggs  
2 hearing before the Board clearly show that many of  
3 the conclusions and factors relied on by the Board  
4 were devoid of evidentiary basis, (Biggs, supra,  
5 334 F. 3d at p. 915)

6 The Court in Biggs, supra, went on to warn the Board that  
7 while there was "some evidence" to use the crime as a basis  
8 for denial at his initial hearing, the board's continued use  
9 of the crime as a basis for continuous denials would be  
10 violative of Bigg's Federal due process rights. Petitioner  
11 submits that the Board's sole unage of the initial commitment  
12 offense and/or prior social history, as a continued basis to  
13 deny him a parole date, has violated his 5th and 14th  
14 Amendment rights under the United States Constitution to not  
15 be deprived of his liberty. The Court in Biggs, supra, also  
16 held:

17 "[T]o ensure that a state created parole scheme  
18 serves the public interest purposes of rehabilitation  
19 and deterrence, the Parole Board must be cognizant  
20 not only of the factors required by state statute  
21 to be considered, but also the concepts embodied  
22 in the Constitution requiring due process of law..."  
23 [please see e.g. in Greenholtz, 443 U.S. at 7-8]."  
24 (Biggs, supra, 334 F.3d at p. 916)

25 "The Parole Board's sole supportable reliance on  
26 the gravity of the offense and conduct prior to  
27 imprisonment to justify denial of Parole  
28 can be initially justified as fulfilling the  
29 requirements set forth by state law. Over time  
30 however, should Biggs continue to demonstrate  
31 exemplary behavior and evidence of rehabilitation,  
32 denying him a parole date simply because of the  
33 nature of his offense and prior conduct would raise  
34 serious questions involving his liberty interest  
35 in parole..." (id).

36 Petitioner also submits that the Board has adopted an anti  
37 and / or no parole policy per se, or a policy of  
38 underinclusion demonstrating a policy of systematic bias;

1 granting parole to approximately 1% (one percent) of the  
2 lifers population, thus violating the legislative intent of  
3 PC § 3041.5, that "... a parole release date shall normally be  
4 set in manner that will provide uniform terms for offenders  
5 with crimes of similar gravity and magnitude..." and,  
6 petitioner's State and Federal due process rights as well  
7 (please refer to In re Ramirez, supra, pg. 565). Petitioner  
8 contends that the evidence behavior by a quasi-judicial  
9 Board, of policy demonstrating an approximate 98.5% denial  
10 rate, supports the premise that such a policy exists (i.e.,  
11 anti and /or no parole policy, or, a policy of systematic  
12 bias); this policy violates the strictures of substantive due  
13 process.

14 If there is any question as to the meaning and legislative  
15 intent of Penal Code §3041 as discussed above, which  
16 Petitioner asserts that there clearly is not, then Petitioner  
17 is entitled to the interpretation that Penal Code §3041 and 15  
18 CCR §2400 et seq. apply to provide an exception to the  
19 protected liberty interest in a presumption to release on  
20 parole only if support by evidence that Petitioner poses a  
21 threat of future violence if released. On the other hand, if  
22 courts reasonably can so differ in the interpretation of the  
23 statute and regulations at issue, then they must be deemed  
24 overly vague, so as to violate Petitioner's constitutional  
25 right to due process.

26 A. The Some Evidence Relied On to Deny Parole  
27 Must be Relevant And Reliable In Establishing  
28 Current, Unreasonable Threat to Public Safety.

In explaining what the "some evidence" standard meant, the



1 Rosenkrantz court stated that "[o]nly a modicum of evidence  
2 required." Rosenkrantz, 29 Cal. 4th at 677. On its face, this  
3 standard could thus be seen as remarkably broad - that the  
4 barest speck or mote of evidence, no matter its relevance,  
5 reliability, place in the context of other evidence or the  
6 government's assessment of it - would be enough to completely  
7 immunize Executive parole decisions from judicial review.  
8 Such a reading, however, would effectively serve to nullify  
9 the Rosenkrantz court's holding that courts are required to  
10 review the factual basis of an Executive parole decision. An  
11 unpacking of the "some evidence" standard itself - both  
12 conceptually and through a review of the application of this  
13 standard in Rosenkrantz and its progeny - makes clear that  
14 the standard is meaningful. Properly understood, it strikes  
15 an appropriate balance between judicial deference to difficult  
16 Executive decisions and the protection of constitution liberty  
17 interests.

#### 18 CONCLUSION

19 Petitioner did not receive a fair hearing from the Board,  
20 nor will he ever, because the results are predetermined, in  
21 violation of Petitioner's 5th and 14th amendment rights under  
22 the U.S. Constitution. The denial of Petitioner's parole date  
23 is no more than ipse dixit a sham. Petitioner did not receive  
24 the "individualized consideration" to which is  
25 constitutionally entitled. In re George Scott,  
26 (Cal.App.1st.Dist) June 24, 2004, 119 Cal.App.4th. 871, 899.

27 The court must order Petitioner discharged and or released  
28 or at the very least a decision within ten (10) days granting

1 Petitioner parole, setting his term "uniformly" as mandated by  
2 the Legislature.

3 PRAYER FOR RELIEF

- 4 1. Issue an Order To Show Cause on an expedited basis;  
5 2. Appoint Counsel;  
6 3. Order Discovery;  
7 4. Conduct an Evidentiary Hearing;  
8 5. Order Petitioner's appearance before the court;  
9 6. Order Petitioner discharged, or in the laternative  
10 order petitioner by given a parole date, then released on  
11 parole,  
12 7. Issue an Order for Declatory Relief  
13 8. Issue an Order for Injunctive Relief;  
14 9. Any other relief this court deems fair, just and  
15 appropriate.

16  
17  
18  
19 Date 8/14/06  
20

21  
22 Brice J. Ray  
23 In Pro se  
24  
25  
26  
27  
28

8. Did you appeal from the conviction, sentence, or commitment? ☐ Yes. ☐ No. If yes, give the following information:
- a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

b. Result: \_\_\_\_\_ c. Date of decision: \_\_\_\_\_

d. Case number or citation of opinion, if known: \_\_\_\_\_

e. Issues raised: (1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

f. Were you represented by counsel on appeal? ☐ Yes. ☐ No. If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? ☐ Yes. ☐ No. If yes, give the following information:

a. Result: \_\_\_\_\_ b. Date of decision: \_\_\_\_\_

c. Case number or citation of opinion, if known: \_\_\_\_\_

d. Issues raised: (1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

11. Administrative Review:

- a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

The Board of Parole Hearings has eliminated the BPH Appeals Unit process and no longer allows the filing of Administrative Appeals of BPH denials of parole for indeterminately sentenced prisoners such as myself.

There is No longer an administrative remedy, therefore exhaustion is impossible.

- b. Did you seek the highest level of administrative review available? ☐ Yes. ☐ No.

Attach documents that show you have exhausted your administrative remedies.

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☐ Yes. If yes, continue with number 13. ☐ No. If no, skip to number 15.

13. a. (1) Name of court: \_\_\_\_\_

(2) Nature of proceeding (for example, "habeas corpus petition"): \_\_\_\_\_

(3) Issues raised: (a) \_\_\_\_\_

(b) \_\_\_\_\_

(4) Result (Attach order or explain why unavailable): \_\_\_\_\_

(5) Date of decision: \_\_\_\_\_

b. (1) Name of court: \_\_\_\_\_

(2) Nature of proceeding: \_\_\_\_\_

(3) Issues raised: (a) \_\_\_\_\_

(b) \_\_\_\_\_

(4) Result (Attach order or explain why unavailable): \_\_\_\_\_

(5) Date of decision: \_\_\_\_\_

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

\_\_\_\_\_  
\_\_\_\_\_

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

There has been no delays

16. Are you presently represented by counsel? ☒ Yes. ☐ No. If yes, state the attorney's name and address, if known:

\_\_\_\_\_  
\_\_\_\_\_

17. Do you have any petition, appeal, or other matter pending in any court? ☐ Yes. ☐ No. If yes, explain:


This Court has original jurisdiction in habeas proceedings

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

\_\_\_\_\_  
\_\_\_\_\_

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 8/14/06

  
(SIGNATURE OF PETITIONER)

**EXHIBIT "A"**

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life )  
Term Parole Consideration )  
Hearing of: )

CDC Number C-26529

BRICE GLASGOW )  
\_\_\_\_\_)  
\_\_\_\_\_)

**INMATE  
COPY**

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

NOVEMBER 2, 2005

8:45 A.M.

PANEL PRESENT:

Ms. Tracey St. Julien, Presiding Commissioner  
Mr. Chuck Wolk, Deputy Commissioner

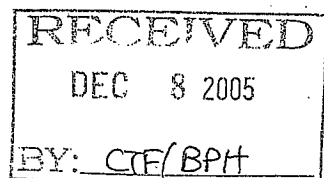
OTHERS PRESENT:

Mr. Brice Glasgow, Inmate  
Mr. Anthony Hall, Attorney for Inmate  
Mr. Ronald Rico, Deputy District Attorney  
Ms. Joyce Nedde, Observer  
Correctional Officers Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

\_\_\_\_ No      See Review of Hearing  
\_\_\_\_ Yes      Transcript Memorandum

Sue Gerdes, Peters Shorthand Reporting



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1 after you spell your last name. My name is  
2 Tracey St. Julien S-T capital J-U-L-I-E-N  
3 Commissioner.

4 DEPUTY COMMISSIONER WOLK: Chuck Wolk W-  
5 O-L-K Deputy Commissioner.

6 ATTORNEY HALL: Anthony Hall H-A-L-L  
7 attorney for Mr. Glasgow.

8 INMATE GLASGOW: Glasgow C-26529 G-L-A-  
9 S-G-O-W.

10 PRESIDING COMMISSIONER ST. JULIEN: Your  
11 first name.

12 INMATE GLASGOW: Brice B-R-I-C-E.

13 PRESIDING COMMISSIONER ST. JULIEN: Mr.  
14 Rico.

15 DEPUTY DISTRICT ATTORNEY RICO: Thank you  
16 Commissioner. Ronald Rico R-I-C-O Deputy  
17 District Attorney for Santa Clara County. And I  
18 have a second individual in the room. The  
19 former trial prosecutor in the case who is here  
20 as an observer only. I will let the identify  
21 herself.

22 MS. NEDDE: My name is Joyce Nedde N-E-D-  
23 D-E.

24 PRESIDING COMMISSIONER ST. JULIEN: And  
25 we also have two correctional officers in the  
26 room who are here for security purposes. And  
27 Mr. Glasgow, that form in front of you that

1 addresses your ADA rights I need you to please  
2 read that aloud and then I am going to ask you  
3 some questions about what you have read.

4 **INMATE GLASGOW:** The Americans with  
5 Disabilities Act, AFA, is a law to help people  
6 with disabilities. Disabilities are problems  
7 that make it harder for some people to see,  
8 hear, breathe, talk, walk, learn, think, work or  
9 take care of them selves than it is for others.  
10 No one can be kept out of pubic places or  
11 activities because of a disability. If you have  
12 a disability you have the right to ask for help  
13 to get ready for your court or parole hearing  
14 and BPT hearing. To get to the hearing, talk,  
15 read forms and papers and understand the hearing  
16 process. The BPT will look at what you ask for  
17 to make sure that you have a disability that is  
18 covered by the ADA and that you have asked for  
19 the right kind of help. If you do not get help  
20 or if you don't think you got the kind of help  
21 you need, ask for a BPT 1074 grievance form.  
22 You can also get help to fill it out.

23 **PRESIDING COMMISSIONER ST. JULIEN:** Okay.  
24 I note that on May 3<sup>rd</sup>, 2004 you signed a BPT  
25 form 1073 indicating that you do not have  
26 disabilities, is that still correct?

27 **INMATE GLASGOW:** What it is I have a

1 bladder infection and I was concerned  
2 (indiscernible) an enlargement in my lower  
3 (indiscernible) just an infection.  
4 (indiscernible).

5 PRESIDING COMMISSIONER ST. JULIEN: Are  
6 you taking antibiotics?

7 INMATE GLASGOW: Yes I did.

8 PRESIDING COMMISSIONER ST. JULIEN: You  
9 said that you are currently taking medication.  
10 What are you currently taking?

11 INMATE GLASGOW: (indiscernible)

12 PRESIDING COMMISSIONER ST. JULIEN:  
13 Probably and antibiotic. And is that medication  
14 giving you any side affects?

15 INMATE GLASGOW: Dries me up.

16 PRESIDING COMMISSIONER ST. JULIEN: Okay,  
17 makes you thirsty. Is that uncomfortable enough  
18 that you can't participate in the hearing today?

19 INMATE GLASGOW: No.

20 PRESIDING COMMISSIONER ST. JULIEN: Now I  
21 noticed that you are wearing glasses, with those  
22 glasses on, eyeglasses, can you see around the  
23 room clearly?

24 INMATE GLASGOW: Yes.

25 PRESIDING COMMISSIONER ST. JULIEN: Okay,  
26 and you can read?

27 INMATE GLASGOW: Yes.

1           PRESIDING COMMISSIONER ST. JULIEN: And  
2 you can see the (indiscernible).

3           INMATE GLASGOW: Yes Ma'am.

4           PRESIDING COMMISSIONER ST. JULIEN: Do  
5 you have any hearing impairments?

6           INMATE GLASGOW: No.

7           PRESIDING COMMISSIONER ST. JULIEN:  
8 (indiscernible).

9           ATTORNEY HALL: It has to do with his  
10 medical condition. In the 1073 he mentioned he  
11 has frequent (indiscernible).

12          PRESIDING COMMISSIONER ST. JULIEN: And  
13 that's (indiscernible). If you feel the need  
14 that you need to be excused for a few minutes or  
15 whatever while we are at the hearing today you  
16 can just ask and we can take a recess. Okay?

17          INMATE GLASGOW: Yes Ma'am.

18          PRESIDING COMMISSIONER ST. JULIEN: And  
19 do you know what the Triple CMS and the EOP  
20 programs are?

21          INMATE GLASGOW: I think it has something  
22 to do with mental health.

23          PRESIDING COMMISSIONER ST. JULIEN: Yes  
24 exactly. They are the mental health services  
25 programs that the department offers. Have you  
26 ever been a part of those programs?

27          INMATE GLASGOW: No Ma'am.

1           PRESIDING COMMISSIONER ST. JULIEN: And  
2 have you ever taken any psychotropic  
3 medications?

4           INMATE GLASGOW: No.

5           PRESIDING COMMISSIONER ST. JULIEN: And  
6 you did mention that you are on medicines now  
7 for bladder issues. Are you taking any other  
8 medications?

9           INMATE GLASGOW: Hyper tension  
10 (indiscernible).

11          PRESIDING COMMISSIONER ST. JULIEN: And  
12 again, do the medications that you are taking  
13 for that condition will they cause you not to be  
14 able to participate in the hearing today?

15          INMATE GLASGOW: No.

16          PRESIDING COMMISSIONER ST. JULIEN: And  
17 Mr. Hall, are you satisfied that your client's  
18 ADA rights have met?

19          ATTORNEY HALL: Yes I do.

20          PRESIDING COMMISSIONER ST. JULIEN: I am  
21 going to go ahead then and give you an outline  
22 of the hearing procedure today. And I will note  
23 that you (indiscernible) ADA issues that you do  
24 have your GED.

25          INMATE GLASGOW: Yes.

26          PRESIDING COMMISSIONER ST. JULIEN: You  
27 didn't have any problem (indiscernible). We are

1 conducting the hearing pursuant to Penal Code  
2 sections 3041 and 3042 of the rules and  
3 regulations of the Board of Parole Hearings  
4 governing parole consideration hearings for life  
5 inmates. The purpose of the hearing today is to  
6 consider your suitability for parole. We will  
7 reach a decision today and inform you whether or  
8 not we find you suitable or the reasons for that  
9 decision. If you are found suitable for parole  
10 the length of your confinement will be explained  
11 to you. The hearing will be conducted in two  
12 parts. First I am going to discuss the number  
13 and the nature of crimes you were committed for,  
14 your prior criminal and social history and your  
15 parole plans and letters of support or  
16 opposition that you may have. Then Commission  
17 Wolk will discuss with you your behavior and  
18 programming history as well as your  
19 psychological evaluations and counselors  
20 reports. When that is done the District  
21 Attorney and your attorney will be able to ask  
22 you questions and then the District Attorney  
23 actually asks the questions to the panel and you  
24 answer in turn to us. And then the District  
25 Attorney, your attorney and you will be given an  
26 opportunity to make a final statement as to your  
27 suitability. We will recess to deliberate and

1 when we reach a decision we will reconvene the  
2 hearing and announce our decision. The  
3 California Code of Regulations state that  
4 regardless of time served, a life inmate shall  
5 be found unsuitable for and denied parole if in  
6 the judgment of the panel the inmate still pose  
7 an unreasonable risk of danger to society if  
8 released from prison. You also have certain  
9 rights. Those rights include the right to a  
10 timely notice of this hearing, the right to  
11 review your Central File, and the right to  
12 present relevant documents. Mr. Hall, have you  
13 client's rights been met?

14 **ATTORNEY HALL:** Yes they have.

15 **PRESIDING COMMISSIONER ST. JULIEN:** You  
16 also have the right to be heard by an impartial  
17 panel. Do you have any objections to today's  
18 panel?

19 **INMATE GLASGOW:** No Ma'am.

20 **PRESIDING COMMISSIONER ST. JULIEN:** Mr.  
21 Hall?

22 **ATTORNEY HALL:** No objections.

23 **PRESIDING COMMISSIONER ST. JULIEN:** You  
24 will receive a copy of our written tentative  
25 decision today and that decision is subject to  
26 review by the decision review unit and the  
27 entire board meeting as a whole. That decision

1 becomes effective within 120 days. In the  
2 future you will receive a copy of that decision  
3 and a copy of the transcripts once they are  
4 transcribed. The board no longer has an appeals  
5 process. So if you have any objections or  
6 complaints about anything that happens here  
7 today you need to file those directly to the  
8 court. You can find information on how going  
9 about doing that in the prison law library.

10 (indiscernible) Administrative Appeals  
11 Correspondence and Grievances Concerning BPT  
12 Hearings. You are not required to admit your  
13 offense or discuss your offense if you do not  
14 wish to do so. However, we accept as truth the  
15 findings of the court. We invite you to discuss  
16 the facts and circumstances of the crime if you  
17 wish. We will consider and review any prior  
18 statements you've made regarding your offense in  
19 determining your suitability for parole.  
20 Commissioner Wolk, is there confidential  
21 information?

22 **DEPUTY COMMISSIONER WOLK:** Not that we  
23 will be using today.

24 **PRESIDING COMMISSIONER ST. JULIEN:**  
25 Earlier I passed a checklist marked exhibit one  
26 to your attorney and I note that I received it  
27 back. Are all of those documents in order?



1           ATTORNEY HALL: Yes we have those.

2           PRESIDING COMMISSIONER ST. JULIEN: And  
3 Mr. Rico I am looking at a hearing checklist  
4 that has gone by, it looks like the name on here  
5 is Villego V-I-L-L-E-G-O and it's dated maybe  
6 9/27/05.

7           DEPUTY DISTRICT ATTORNEY RICO: I have  
8 that same checklist and those documents and I am  
9 prepared to --

10          PRESIDING COMMISSIONER ST. JULIEN: Okay  
11 thank you. Do you have any additional  
12 documents?

13          ATTORNEY HALL: Yes Commissioner we have  
14 a chrono and a checklist and a couple other  
15 documents.

16          PRESIDING COMMISSIONER ST. JULIEN: One  
17 of the officers will -- And do you have any  
18 preliminary objections?

19          DEPUTY DISTRICT ATTORNEY RICO: There  
20 isn't any.

21          PRESIDING COMMISSIONER ST. JULIEN: Thank  
22 you. And will Mr. Glasgow be speaking with us  
23 today?

24          ATTORNEY HALL: Yes he will.

25          PRESIDING COMMISSIONER ST. JULIEN: Mr.  
26 Glasgow I need you to get an oath. Do you  
27 solemnly swear or affirm that the testimony you

1 give at this hearing will be the truth, the  
2 whole truth and nothing but the truth?

3 INMATE GLASGOW: Yes Ma'am.

4 PRESIDING COMMISSIONER ST. JULIEN: Okay.

5 I am going to go ahead then and read the summary  
6 of the crime as it appears in the February 2003  
7 board report. And that report was prepared by  
8 Correction Counselor (indiscernible) last name  
9 Minor M-I-N-E-R and approved by the  
10 classification (indiscernible). It states that  
11 on March 4<sup>th</sup>, 1980 the Palo Alto police  
12 department officers responded to the report of a  
13 shooting. On arrival at the scene, the officers  
14 observed the victim (indiscernible) Collins on  
15 the floor of the bedroom. Victim Collins had  
16 been shot several times (indiscernible). No  
17 vital signs were detected and the Palo Alto  
18 paramedics were (indiscernible). At this time  
19 the investigating officers made contact with the  
20 victim Patricia Watts (indiscernible) who was  
21 sitting on a fold out bed (indiscernible)  
22 apartment. Watts had suffered a gunshot wound  
23 to her back. Watts explained that at  
24 approximately five A.M. she heard a knock on the  
25 door and observed the defendant (indiscernible)  
26 inmate in front of the apartment. She indicated  
27 that she would not open the door at that time

1 and returning to bed she remained that way until  
2 morning. The defendant returned and she allowed  
3 him to enter the apartment. She indicated that  
4 he sat in the living room for approximately ten  
5 minutes and played with her daughter.  
6 (indiscernible) bathroom in the hallway of the  
7 apartment and during this time she heard a knock  
8 at the back door. The defendant then allowed  
9 Edmond Duhart D-U-H-A-R-T to enter the  
10 apartment. Watts explained the defendant then  
11 began walking toward the hallway and she  
12 observed that he had a gun in his hand. She  
13 indicated that she ran to the bedroom and  
14 attempted to arouse Collins however the  
15 defendant was at the door to the bedroom and  
16 attempted to get in. She related that the  
17 defendant pushed his way into the bedroom and  
18 during the ensuing struggle the defendant was  
19 firing (indiscernible) at Collins and as she  
20 attempted to protect the victim she was also  
21 wounded. Victim Watts relayed that during this  
22 time that she was in bedroom, the defendant call  
23 for Duhart to come into the room and remove  
24 victim Watts indicating that he tried to pull  
25 her off victim Collins while the defendant was  
26 still shooting at the victim. She indicated  
27 that the defendant fired several shots from the

1 weapon (indiscernible). She then related that  
2 defendant Duhart then left the apartment. So  
3 apparently your (indiscernible) so we will have  
4 to (indiscernible).

5 DEPUTY COMMISSIONER WOLK: We are back on  
6 record.

7 PRESIDING COMMISSIONER ST. JULIEN: There  
8 seems to be some discrepancies between your  
9 version of what happened that day and what's on  
10 the record here in terms of Ms. Watts and her  
11 testimony. Do you recall that?

12 INMATE GLASGOW: Ya, I am not sure what  
13 the Commissioner is mentioning.

14 PRESIDING COMMISSIONER ST. JULIEN: Well  
15 the prior transcripts you mentioned that Ms.  
16 Watts was subsequently convicted of perjury for  
17 giving false testimony in your case.

18 INMATE GLASGOW: Yes.

19 PRESIDING COMMISSIONER ST. JULIEN: So  
20 did you shoot Mr. Collins?

21 INMATE GLASGOW: Yes, yes I did.

22 PRESIDING COMMISSIONER ST. JULIEN: And  
23 did you shoot him when he was unarmed?

24 INMATE GLASGOW: I believe he was armed.  
25 This is what the discrepancy is.

26 PRESIDING COMMISSIONER ST. JULIEN: So  
27 why don't you tell us what happened.

1           INMATE GLASGOW: He came to the door and  
2 he had somethin in his hand (indiscernible) bein  
3 fired (indiscernible) and we was fighten and she  
4 was pulling on it.

5           PRESIDING COMMISSIONER ST. JULIEN: So it  
6 was the three of you correct?

7           INMATE GLASGOW: Ya..

8           PRESIDING COMMISSIONER ST. JULIEN: Mr.  
9 Collins, Ms. Watts, and yourself?

10          INMATE GLASGOW: Yes Ma'am.

11          PRESIDING COMMISSIONER ST. JULIEN: And  
12 whose gun was it?

13          INMATE GLASGOW: It was my gun.

14          PRESIDING COMMISSIONER ST. JULIEN: And  
15 did you bring it to the house with you?

16          INMATE GLASGOW: Yes Ma'am.

17          PRESIDING COMMISSIONER ST. JULIEN: And  
18 how did they know that you had a gun?

19          INMATE GLASGOW: They didn't know, until  
20 after was bein fired.

21          PRESIDING COMMISSIONER ST. JULIEN: So  
22 you all just kind of got in a fight?

23          INMATE GLASGOW: No, when I went to open  
24 the door for Mr. Dunhart evidentially she woke  
25 Mr. Collins up. I was in the bathroom and  
26 that's when we started fighten.

27          PRESIDING COMMISSIONER ST. JULIEN: So

1 you came out of the bathroom then did Mr.  
2 Collins approach you at start physically  
3 fighting with you?

4 INMATE GLASGOW: He had somethin in his  
5 had.

6 PRESIDING COMMISSIONER ST. JULIEN: Do  
7 you know what that was?

8 INMATE GLASGOW: I thought it was a gun,  
9 maybe it was a gun. But I was afraid of it and  
10 the fear might a took over. But I did shoot  
11 him.

12 PRESIDING COMMISSIONER ST. JULIEN: How  
13 many times did you shoot him?

14 INMATE GLASGOW: I don't know nothin  
15 about nothin.

16 PRESIDING COMMISSIONER ST. JULIEN: Do  
17 you remember how Ms. Watts got shot?

18 INMATE GLASGOW: No I don't. I didn't  
19 know she been shot.

20 PRESIDING COMMISSIONER ST. JULIEN: So  
21 were there just bullets going off?

22 INMATE GLASGOW: She was jerking on his  
23 arm and all three of us was fighten. It's hard  
24 for me to describe but I was afraid and I don't  
25 think she intentionally lied. I think she was  
26 hollering and screaming. I know I was afraid of  
27 I had contact with this man before.

1           PRESIDING COMMISSIONER ST. JULIEN: So  
2 you were afraid of him, did he live there? Did  
3 he live with Ms. Watts?

4           INMATE GLASGOW: No, they just  
5 occasionally stayed together.

6           PRESIDING COMMISSIONER ST. JULIEN: Did  
7 you know that he was there?

8           INMATE GLASGOW: No.

9           PRESIDING COMMISSIONER ST. JULIEN: So  
10 when you went to Ms. Watts' apartment and you  
11 spent some time with her child and all that you  
12 didn't know that Collins' was there?

13          INMATE GLASGOW: No.

14          DEPUTY COMMISSIONER WOLK: What were you  
15 doing there?

16          INMATE GLASGOW: I just stopped there to  
17 see my niece. I heard she was havin trouble.

18          DEPUTY COMMISSIONER WOLK: The girl that  
19 you were talking with in the living room was  
20 your niece?

21          INMATE GLASGOW: Yes, it my gran --

22          PRESIDING COMMISSIONER ST. JULIEN: So do  
23 remember pulling the trigger?

24          INMATE GLASGOW: I had my hand on the  
25 trigger and she was pulling the gun.

26          PRESIDING COMMISSIONER ST. JULIEN: The  
27 gun was fired several times.

1           **INMATE GLASGOW:** Ya but I never did stand  
2 back and fire all them in his body or anything  
3 that the crime say. She was hollering and  
4 screaming and pulling on the gun.

5           **PRESIDING COMMISSIONER ST. JULIEN:** So  
6 how do you feel about this crime now?

7           **INMATE GLASGOW:** I feel like I am  
8 responsible for it and I sorry it had to happen.  
9 It affected me and it affected my family and it  
10 affected his family. And I know that they  
11 suffer from it and so have I. If I could redo  
12 it again I would do it much different.

13           **PRESIDING COMMISSIONER ST. JULIEN:** And  
14 how would you redo it?

15           **INMATE GLASGOW:** I would take the chance  
16 in turning myself over to the care of God and I  
17 wouldn't leave the scene like I did.

18           **PRESIDING COMMISSIONER ST. JULIEN:** And  
19 why do you think that you left?

20           **INMATE GLASGOW:** I was afraid. Fear took  
21 over and I was afraid. I did shoot the man and  
22 I proves I was (indiscernible).

23           **PRESIDING COMMISSIONER ST. JULIEN:** In  
24 some of letters from law enforcement following  
25 your arrest it said that you didn't show any  
26 remorse about shooting Mr. Collins and Ms.  
27 Watts. Do you remember that? That you didn't



1 show that you were sorry for killing Mr.  
2 Collins?

3 INMATE GLASGOW: It was murder, I killed  
4 a man I am sorry. That's my family. I love my  
5 niece. I (indiscernible) that's why I stopped.

6 DEPUTY COMMISSIONER WOLK: Why were you  
7 carrying a gun?

8 INMATE GLASGOW: Palo Alto is a very bad  
9 place. When I go there, I been jumped before I  
10 been a couple of times. It's a bad place and  
11 they have a lot of after hours (indiscernible).

12 PRESIDING COMMISSIONER ST. JULIEN: Up  
13 until that shooting you were in trouble a lot.

14 INMATE GLASGOW: Yes.

15 PRESIDING COMMISSIONER ST. JULIEN: I  
16 have over 82 arrests. That is a huge, huge  
17 extensive arrest record. Can you explain that?

18 INMATE GLASGOW: I (indiscernible).

19 PRESIDING COMMISSIONER ST. JULIEN: A lot  
20 of burglaries, forgery, carrying concealed  
21 weapons, battery. So what kind of life were you  
22 leading?

23 INMATE GLASGOW: Terrible life Ma'am.

24 PRESIDING COMMISSIONER ST. JULIEN: And  
25 then that we have that you had a heroine  
26 addiction for over 23 years?

27 INMATE GLASGOW: Yes, that's part of the

1 reason.

2 PRESIDING COMMISSIONER ST. JULIEN: So  
3 did you become addicted to heroine?

4 INMATE GLASGOW: Living (indiscernible).

5 PRESIDING COMMISSIONER ST. JULIEN: But  
6 there are -- how many other people did you know  
7 from the same environment and the same  
8 conditions that became addicted to heroine?

9 INMATE GLASGOW: All my associates.

10 PRESIDING COMMISSIONER ST. JULIEN: What  
11 about member's or your family?

12 INMATE GLASGOW: No.

13 PRESIDING COMMISSIONER ST. JULIEN: So  
14 what made you different from them?

15 INMATE GLASGOW: I guess the time and  
16 era.

17 PRESIDING COMMISSIONER ST. JULIEN: What  
18 do you think was in your character or your  
19 personality or your life that led you to become  
20 addicted to heroine and do all these crimes  
21 other than the conditions that you were living  
22 in?

23 INMATE GLASGOW: Well my association in a  
24 count of (indiscernible) hanging around  
25 different kinds of people. When I was young I  
26 didn't have a father figure. So I thought about  
27 that and that the only reason I can come up

1 with.

2           PRESIDING COMMISSIONER ST. JULIEN: But  
3 do you think that there are other people who  
4 were in your same situation and who didn't lead  
5 this kind of life of extensive heroine use as  
6 well as having such a long criminal history?  
7 What was in you? Do you know what was in your  
8 personality?

9           INMATE GLASGOW: I was rebellious  
10 (indiscernible).

11          PRESIDING COMMISSIONER ST. JULIEN: And  
12 rebellious toward what?

13          INMATE GLASGOW: I was rebellious toward  
14 (indiscernible) my mother gave me and rebellious  
15 toward authority.

16          PRESIDING COMMISSIONER ST. JULIEN: So  
17 why was it difficult for you to want to accept  
18 authority?

19          INMATE GLASGOW: Well I just kept  
20 rebelling when I was young. (indiscernible)

21          PRESIDING COMMISSIONER ST. JULIEN: So is  
22 going in and out of jail and using heroine, is  
23 that an easy life?

24          INMATE GLASGOW: It was very hard.

25          PRESIDING COMMISSIONER ST. JULIEN: I  
26 note that you had gone to recovery centers  
27 periodically but apparently they didn't seem to

1 work for you. So it was a hard life and you did  
2 seek out help every now and then. What do you  
3 think still made you pursue this path?

4 **INMATE GLASGOW:** I didn't accept, I  
5 thought about that to. I didn't accept God in  
6 my life then. To follow in his steps I have  
7 accepted God in my life now.

8 **PRESIDING COMMISSIONER ST. JULIEN:** What  
9 do you think took you so long?

10 **INMATE GLASGOW:** Well the drugs probably  
11 was strong and just kept me going back and  
12 forth. I know it wasn't right and I know it  
13 wasn't helpful and I continue to seek some kind  
14 of help.

15 **PRESIDING COMMISSIONER ST. JULIEN:** With  
16 this very, very long history of criminal drug  
17 problems with drug use, why should we think that  
18 you are different today?

19 **INMATE GLASGOW:** I think I learned my  
20 lesson. I think I have matured. I think that I  
21 ready to accept responsibility.

22 **PRESIDING COMMISSIONER ST. JULIEN:** How  
23 old were you when this crime was committed, when  
24 Mr. Collins was shot?

25 **INMATE GLASGOW:** 26 years ago, 1980.

26 **PRESIDING COMMISSIONER ST. JULIEN:** So  
27 how old were you then?

1 INMATE GLASGOW: Maybe 38.

2 PRESIDING COMMISSIONER ST. JULIEN: So  
3 that's -- you lived pretty much half your life  
4 on the wrong track.

5 INMATE GLASGOW: Yes Ma'am, I know it. I  
6 don't have very many years left and I want to do  
7 it right.

8 PRESIDING COMMISSIONER ST. JULIEN: So  
9 when you were on the outside and you working,  
10 you were a construction laborer and a master  
11 barber?

12 INMATE GLASGOW: Yes Ma'am.

13 PRESIDING COMMISSIONER ST. JULIEN: And  
14 at the time of this crime you were married to  
15 Yvette and you have one child. Was it a boy or  
16 a girl?

17 INMATE GLASGOW: Girl.

18 PRESIDING COMMISSIONER ST. JULIEN: Is it  
19 --

20 INMATE GLASGOW: Abidania.

21 PRESIDING COMMISSIONER ST. JULIEN:  
22 Abidania. And how is she doing now?

23 INMATE GLASGOW: She very  
24 (indiscernible). She lives in Santa Clara  
25 County.

26 PRESIDING COMMISSIONER ST. JULIEN: And  
27 are you currently married?

1 INMATE GLASGOW: Yes Ma'am.

2 PRESIDING COMMISSIONER ST. JULIEN: And  
3 is that still to Yvette?

4 INMATE GLASGOW: No Ma'am. I am married  
5 to Diane in Stockton.

6 DEPUTY COMMISSIONER WOLK: You just got  
7 married didn't you, couple years ago?

8 INMATE GLASGOW: Couple years ago. Yes  
9 Sir.

10 PRESIDING COMMISSIONER ST. JULIEN: And  
11 how did you meet Diane?

12 INMATE GLASGOW: I've known her for  
13 awhile, since 1963.

14 PRESIDING COMMISSIONER ST. JULIEN: And  
15 if you were paroled you would choose to live  
16 with Diane?

17 INMATE GLASGOW: Yes Ma'am.

18 PRESIDING COMMISSIONER ST. JULIEN: She  
19 lives in Stockton?

20 INMATE GLASGOW: Yes Ma'am.

21 PRESIDING COMMISSIONER ST. JULIEN: If  
22 you couldn't go to Stockton and you lived with  
23 your brother in law Louis in San Jose?

24 INMATE GLASGOW: Yes Ma'am.

25 PRESIDING COMMISSIONER ST. JULIEN: And  
26 in terms of employment you would work at Big  
27 Ed's Furniture and that is in Stockton? And the

1 owner of Big Ed's is Edward Smith and he is  
2 married to your grand daughter?

3 INMATE GLASGOW: Yes Ma'am.

4 PRESIDING COMMISSIONER ST. JULIEN: And  
5 then you also have a job offer from Irving  
6 Goodwin and he has a non-profit organization in  
7 Menlo Park, (indiscernible) County. Then it  
8 notes that you also have your sponsor? Is that  
9 in NA or AA sponsor?

10 INMATE GLASGOW: NA.

11 PRESIDING COMMISSIONER ST. JULIEN:  
12 (indiscernible) Sponsor is your step daughter.

13 INMATE GLASGOW: Yes Ma'am.

14 PRESIDING COMMISSIONER ST. JULIEN: And  
15 then apparently you have written a letter of  
16 remorse to the families of the victims.

17 INMATE GLASGOW: Three times.

18 PRESIDING COMMISSIONER ST. JULIEN: And  
19 what happened to Patricia Watts? She changed to  
20 another last name now right?

21 INMATE GLASGOW: She is deceased.

22 PRESIDING COMMISSIONER ST. JULIEN: Oh  
23 she died?

24 INMATE GLASGOW: Yes Ma'am.

25 PRESIDING COMMISSIONER ST. JULIEN: Of  
26 what?

27 INMATE GLASGOW: I am not certain.

1           PRESIDING COMMISSIONER ST. JULIEN: Do  
2 you know how long ago she died?

3           INMATE GLASGOW: About six years prior to  
4 this hearing.

5           PRESIDING COMMISSIONER ST. JULIEN: So  
6 for your support letters, you have a petition  
7 that was done on your behalf and I think that  
8 your wife Diane had initiated the petition and  
9 on the cover she did reasons why you should be  
10 paroled and these are taken from some  
11 (indiscernible). And she has, I think there are  
12 two pages of the petition. It looks like we  
13 have about 50 signatures.

14          INMATE GLASGOW: Ya.

15          PRESIDING COMMISSIONER ST. JULIEN: A  
16 petition of people who have signed between 2004  
17 and 2005 for you to (indiscernible). That must  
18 be a nice feeling to have that type of support.

19          INMATE GLASGOW: Yes it does.

20          PRESIDING COMMISSIONER ST. JULIEN: And  
21 then we also have a letter from Jay Monteo-Mery,  
22 is this a hyphenated name and the last name is  
23 M-O-N-T-E-O dash M-E-R-Y and she is your great  
24 grand daughter. Is that correct?

25          INMATE GLASGOW: Yes Ma'am.

26          PRESIDING COMMISSIONER ST. JULIEN: She  
27 says that I know that he will be a good grand



1 father. I want him to come home. She is eight  
2 years old. Then we have a letter from the  
3 Veterans Emergency Housing. Now were you a  
4 veteran?

5 INMATE GLASGOW: No Ma'am.

6 PRESIDING COMMISSIONER ST. JULIEN: It's  
7 signed by Irving Goodwin G-O-O-D-W-I-N and he  
8 is the (indiscernible) and I am not sure where  
9 it is. It must be in the --

10 INMATE GLASGOW: Palo Alto.

11 PRESIDING COMMISSIONER ST. JULIEN: And  
12 this is a letter of employment and Mr. Goodwin  
13 says that he is the Chief Executive Officer of a  
14 non-profit organization and I have committed  
15 myself to providing steady employment in the  
16 areas (indiscernible). Mr. Glasgow will be  
17 working Monday through Friday from eight to four  
18 thirty at the rate of eleven dollars an hour  
19 (indiscernible).

20 DEPUTY COMMISSIONER WOLK: Are we still  
21 on record?

22 PRESIDING COMMISSIONER ST. JULIEN: I  
23 think we have to stop.

24 DEPUTY COMMISSIONER WOLK: We are back on  
25 record.

26 PRESIDING COMMISSIONER ST. JULIEN: Okay,  
27 so we are going through the letters here and we

1 have a (indiscernible) they were offering you  
2 employment and then Mr. Goodwin also explained  
3 that he knows that you will have different  
4 restrictions on parole and he is willing to  
5 adjust your work schedule. And then Big Ed, I  
6 think that I read that one already. Then Lloyd  
7 Woods who is your brother in law and he says, my  
8 brother in law Mr. Brice Glasgow has shown an  
9 overwhelming amount of remorse over the crime  
10 which he committed over 20 years ago. While  
11 serving his sentence he has missed out on the  
12 birth of his daughter, he has missed birthdays,  
13 holidays and graduations. Brice (indiscernible)  
14 death of his mother. He has missed out on  
15 spending time with her and his family during her  
16 illness which caused her death. Not being  
17 allowed to take part in the funeral services for  
18 his mother was very important to Brice. We love  
19 Brice and miss him and would love for him to  
20 come home. And then Diann Glasgow and that is  
21 D-I-A-N-N and she is your wife and she lives in  
- 22 Stockton. She says that we met in 1962 and I  
23 have (indiscernible) for years. I have been a  
24 licensed cosmetologist for 30 years and she has  
25 lived in her current home for 16 years. She  
26 goes on to say, he has my support emotionally  
27 and financially. I will encourage him and

1 assist him as needed which is accompany him to  
2 appointments and provide him transportation  
3 (indiscernible). Brice has always been a very  
4 nice to me and treated me with respect. I feel  
5 that he has learned from his mistakes and will  
6 be a good citizen. (indiscernible) excellent  
7 youth advisor and a faithful member of Second  
8 Baptist Church (indiscernible). And then Denise  
9 Sanders S-A-N-D-E-R-S and she is your step  
10 daughter and she says that she is a licensed by  
11 the board of vocational nurses and psychiatric  
12 technician. A major part of my training was at  
13 Recovery House an alcohol and drug treatment  
14 facility. I am very familiar with the 12 step  
15 alcohol and drug treatment program. And she  
16 says that I am willing to sponsor him upon his  
17 release on parole for the purpose of his  
18 continued sobriety. I have also talked to him  
19 about sharing his experiences with troubled  
20 youth in the community. He has expressed a  
21 sincere desire to become a valuable part of our  
22 community (indiscernible). And then there is a  
23 letter from Jeffry Glasgow and he must be a  
24 relative of yours. How is he related to you?

25 **INMATE GLASGOW:** My brother's son.

26 **PRESIDING COMMISSIONER ST. JULIEN:** Okay  
27 your nephew.

1 INMATE GLASGOW: Yes.

2 PRESIDING COMMISSIONER ST. JULIEN: He  
3 says dear Brice we have received your letter of  
4 remorse after many meetings and discussion we  
5 have agreed to welcome you back into the family  
6 under certain conditions. Number one, change  
7 your environment. I don't know what that means.  
8 Number two find employment. Number three  
9 continue to be involved with some kind of  
10 sobriety program (indiscernible) parole. You  
11 have changed into another person and we want you  
12 to keep up the good work. And then this is a  
13 copy of (indiscernible). Did I miss any  
14 letters? Is there anything -- . We have -- the  
15 board sends out 3042 notices and those are noted  
16 that go to law enforcement and the courts  
17 letting them know that you are having this  
18 parole consideration hearing and we have a  
19 letter here from the Palo Alto police department  
20 and it is signed by Agent Natasha Powers P-O-W-  
21 E-R-S and she is the detective from robbery  
22 homicide and she says actually, she has some  
23 names mixed up here in this letter and but they  
24 are recommending against the parole Vosgow and  
25 she has your name spelled wrong Mr. Vosgow is  
26 convicted of intentionally killing Ralph Collins  
27 and inflicting a gunshot wound to the back of

1 his niece Patricia Watts in March of 1980.

2 **DEPUTY DISTRICT ATTORNEY RICO:** Sorry to  
3 interrupt but I had faxed to me a copy of a  
4 letter signed by Agent Robert Vonilla from the  
5 police department that may supersede that. Do  
6 you have that?

7 **PRESIDING COMMISSIONER ST. JULIEN:** Yes I  
8 have it but it came in the late mail and it  
9 doesn't have a date.

10 **DEPUTY DISTRICT ATTORNEY RICO:** I don't  
11 see a date on it but I just received it and I  
12 note that the former letter was March 28<sup>th</sup> of 05  
13 and I think that the letter that was in the late  
14 mail is the updated letter that may resolve  
15 those issues.

16 **PRESIDING COMMISSIONER ST. JULIEN:** I'm  
17 sorry.

18 **ATTORNEY HALL:** What letter is that  
19 Commissioner?

20 **PRESIDING COMMISSIONER ST. JULIEN:** It's  
21 the very last letter in the updated materials  
22 and it's signed by Agent Robert Vonilla V-O-N-I-  
23 L-L-A.

24 **ATTORNEY HALL:** It looks like November 2<sup>nd</sup>  
25 which would be today's date. And we would  
26 object to its use at this hearing.

27 **PRESIDING COMMISSIONER ST. JULIEN:** Both

1 letters I think pretty much contain the same  
2 information. Ms. Powers's letter however has  
3 some errors in it. But like I said before I  
4 think we know the jest of this and Mr. Vonilla's  
5 letter will take into consideration today and we  
6 will make due with Agent Powers letter and she  
7 goes on to recount the particulars of the crime  
8 but she does remark that the detectives who  
9 responded to the case said that Mr. Glasgow was  
10 detached and showed absolutely no emotion. The  
11 detectives that prepared the case commented that  
12 Mr. Glasgow understood the gravity of his  
13 actions and accepted no responsibility for  
14 (indiscernible) and demonstrated no remorse.  
15 And then she goes on to say the shooting of his  
16 niece and the murder of her boyfriend was a  
17 result of Glasgow not liking Collins. Watts  
18 willingly allowed Glasgow into her home  
19 believing he was there for innocent purposes.  
20 She had no idea he planned to shoot and kill  
21 Collins. The shooting occurred after Glasgow  
22 allowed Duhart into the home and (indiscernible)  
23 killing. Glasgow was so full of hate for  
24 Collins that he did not care that his own niece  
25 (indiscernible) to prevent Glasgow from killing  
26 him. So Mr. Glasgow was Mr. Collins sleeping  
27 when he was shot?

1 INMATE GLASGOW: No Ma'am.

2 PRESIDING COMMISSIONER ST. JULIEN: Did  
3 you hate him?

4 INMATE GLASGOW: I didn't hate him I was  
5 scared of him.

6 PRESIDING COMMISSIONER ST. JULIEN: Did  
7 you plan to kill him?

8 INMATE GLASGOW: No Ma'am.

9 PRESIDING COMMISSIONER ST. JULIEN: So do  
10 you think that this letter that from the Palo  
11 Alto police department is this letter accurate?

12 INMATE GLASGOW: No Ma'am.

13 PRESIDING COMMISSIONER ST. JULIEN: So we  
14 have done your parole plans and job offers,  
15 Commissioner Wolk would you like to continue?

16 DEPUTY COMMISSIONER WOLK: Okay. I am to  
17 talk about your programming and you post-  
18 conviction factors and when I am done you can  
19 add anything that you'd like or correct any  
20 mistakes that I have made. I show that you are  
21 currently working in PIA textiles.

22 INMATE GLASGOW: Yes Sir.

23 DEPUTY COMMISSIONER WOLK: And you have  
24 been there about the last twenty years or so.

25 INMATE GLASGOW: Yes Sir.

26 DEPUTY COMMISSIONER WOLK: And you have  
27 learned to operate several different types of

1 machines and you are currently a sewing machine  
2 operator.

3 INMATE GLASGOW: Yes.

4 DEPUTY COMMISSIONER WOLK: Is it possible  
5 to receive a certificate of completion in PIA  
6 textiles?

7 INMATE GLASGOW: No, they was talking  
8 about it but they never did (indiscernible).

9 DEPUTY COMMISSIONER WOLK: So you have  
10 gone -- it looks like you have done about  
11 everything that you can possibly do in that  
12 program and you have become skilled and could  
13 probably get employment in that area if you  
14 wanted to.

15 INMATE GLASGOW: Developmental upholstery  
16 with (indiscernible) talked to the guy and if I  
17 could possibly get out (indiscernible).

18 DEPUTY COMMISSIONER WOLK: You have also  
19 worked in culinary on the lunch box crew, you  
20 were a lock stitch operator, trash crew, porter,  
21 small press operator, dining hall worker, and  
22 you worked in the vocational print shop for  
23 awhile as well. Did you complete that program?

24 INMATE GLASGOW: Yes Sir.

25 DEPUTY COMMISSIONER WOLK: You have a  
26 vocational certificate of completion?

27 INMATE GLASGOW: Yes, it should be in



1 that file somewhere.

2 DEPUTY COMMISSIONER WOLK: Okay, I  
3 thought I saw it but I wasn't -- well anyway.  
4 You also worked as a yard attendant and in the  
5 license plate factory way back when in Folsom.

6 INMATE GLASGOW: Yes Sir.

7 DEPUTY COMMISSIONER WOLK: You have your  
8 GED?

9 INMATE GLASGOW: Yes Sir.

10 DEPUTY COMMISSIONER WOLK: You are a  
11 volunteer in the academic department distance  
12 learning program, you participate in the life  
13 skills program, and you also took a course in  
14 introduction to Spanish. As far as self help is  
15 concerned, you have been a regular participant  
16 in NA and AA for many years. You have also  
17 taken anger management, the impact program,  
18 inmate employability program, key to father hood  
19 class, you have taken several anger management  
20 classes, also the entrepreneur development  
21 class, the infectious disease series, science of  
22 the mind foundation course, you participated in  
23 the (indiscernible), and you have been a member  
24 of the lifer's association community awareness  
25 group. You have more laudatory chronos in your  
26 file than I have ever seen before. There must  
27 be a hundred of them in there.

1 INMATE GLASGOW: I try to better myself.

2 DEPUTY COMMISSIONER WOLK: You are to be  
3 commended for that.

4 INMATE GLASGOW: Thank you.

5 DEPUTY COMMISSIONER WOLK: As far as your  
6 disciplinary history is concerned, you have  
7 three CDC 115. The first was June 1993 for  
8 disobeying a direct order to submit a urine  
9 sample. The second was June 15<sup>th</sup>, of 1993 for  
10 disobeying a direct order to submit to a urine  
11 sample and the last one was October 24<sup>th</sup> of 1999  
12 for possession of poker chips. Is that right?

13 INMATE GLASGOW: Yes Sir.

14 DEPUTY COMMISSIONER WOLK: Were you  
15 gambling?

16 INMATE GLASGOW: No I just had the chips.

17 DEPUTY COMMISSIONER WOLK: So you have  
18 three 115's, two in 1993 and one in 1999. You  
19 have five 128A's the first one was in 1986  
20 failing to answer to docket, second in 1989  
21 failing to lock up, third in 1996 for poor job  
22 performance, the fourth in 1999 for altering  
23 state property, and the fifth was in 2002 for  
24 smoking. Have you stopped smoking?

25 INMATE GLASGOW: Yes Sir.

26 DEPUTY COMMISSIONER WOLK: After that?

27 INMATE GLASGOW: I don't smoke anymore,

**EXHIBIT 8**  
**Part 2 of 2**

1 they made me stop.

2 **DEPUTY COMMISSIONER WOLK:** Well that's  
3 good. Add a few more years onto your life.  
4 Okay, last item I am going to talk about is the  
5 psych report that was done in December of 2004  
6 at least that is the last one I have. Have you  
7 had one since then?

8 **ATTORNEY HALL:** That's the one, December  
9 of 2004.

10 **DEPUTY COMMISSIONER WOLK:** This was done  
11 by Doctor Reed staff psychologist. During the  
12 clinical interview inmate Glasgow was alert and  
13 oriented to person, place and time. He was well  
14 dressed and groomed. His speech was articulate  
15 and contextually meaningful. His mood and  
16 affect were within normal limits. His behavior  
17 was appropriate to the setting. No evidence of  
18 mood or thought disorder was demonstrated. His  
19 estimated intellectual functioning is within the  
20 average range. His current diagnostic  
21 impression under Axis I, heroine dependence is  
22 sustained full remission in a controlled  
23 environment. He notes that you pick at several  
24 self help groups, anger management, and  
25 participate in AA and NA through out the years,  
26 also life skills program. He assesses your  
27 dangerousness within a controlled setting to be

1 low relative to the average level two inmate  
2 population. He states that if released to the  
3 community his violence potential is considered  
4 to be no more than that of the average citizen  
5 in the community. There are no significant risk  
6 factors which may be a precursor to violence for  
7 this individual. He is competent and reasonable  
8 and responsible for his behavior. He has the  
9 capacity to abide by institutional standards.  
10 He does not have a mental health disorder which  
11 would necessitate treatment either during his  
12 incarceration period or following upon parole.  
13 This inmate does have a heroine abuse history  
14 however he has remained abstinent from abuse of  
15 heroine for over 23 years and has regularly  
16 attended NA within CDC. And does not appear at  
17 this point to be a significant risk factor for  
18 violence. Continued participation with NA  
19 within CDC no longer appears to be warranted,  
20 however participation within NA as a contingency  
21 for parole for one year is suggested. That  
22 pretty much covers everything that I have been  
23 able see in your file that has to do with  
24 programming. Is there anything that you would  
25 like to add?

26 **INMATE GLASGOW:** No Sir, that is just  
27 about it.

1           ATTORNEY HALL: I don't know Commissioner  
2 if you mentioned his participation in the Muslim  
3 Development (indiscernible) anger management  
4 program.

5           INMATE GLASGOW: That's true  
6 (indiscernible).

7           DEPUTY COMMISSIONER WOLK: And I will now  
8 turn it back over to my colleague.

9           PRESIDING COMMISSIONER ST. JULIEN: Thank  
10 you. (indiscernible) 2000 in your psychological  
11 evaluation when you were talking about the life  
12 crime you said that the victim had beaten you up  
13 before?

14          INMATE GLASGOW: Yes Ma'am.

15          PRESIDING COMMISSIONER ST. JULIEN: Is  
16 that correct?

17          INMATE GLASGOW: Yes.

18          PRESIDING COMMISSIONER ST. JULIEN: Why  
19 did he beat you up?

20          INMATE GLASGOW: Well (indiscernible)  
21 four or five guys (indiscernible) come from a  
22 (indiscernible).

23          PRESIDING COMMISSIONER ST. JULIEN: How  
24 old was he, I mean were you close in age?

25          INMATE GLASGOW: Ya, I think I was two  
26 years older.

27          PRESIDING COMMISSIONER ST. JULIEN: Then

1 how did he get involved with your niece?

2 INMATE GLASGOW: I don't know. I was  
3 kind of curious about that also because she is  
4 my sister's daughter and I was concerned about  
5 that and come to find out that she  
6 (indiscernible). I was concerned about it.

7 PRESIDING COMMISSIONER ST. JULIEN: So  
8 did you know he was there the day of the  
9 shooting?

10 INMATE GLASGOW: No Ma'am.

11 PRESIDING COMMISSIONER ST. JULIEN: So  
12 going back to your heroine days, were you using  
13 heroine at the time of the crime?

14 INMATE GLASGOW: No, I was doin a  
15 maintenance program.

16 PRESIDING COMMISSIONER ST. JULIEN: And  
17 how long had you been on that?

18 INMATE GLASGOW: For about a year.

19 PRESIDING COMMISSIONER ST. JULIEN: So  
20 again, do you know why you stayed addicted to  
21 heroine for so many years? I know you have the  
22 previous attempts at trying to stop.

23 INMATE GLASGOW: I just determined not to  
24 let it kill me off completely. It's a strong  
25 drug and takes control of you but I kept  
26 fighting it and wouldn't give into it. This is  
27 why I got on the (indiscernible) maintenance

1 program.

2 PRESIDING COMMISSIONER ST. JULIEN: And  
3 how do you feel about your heroine use now?

4 INMATE GLASGOW: I feel good about my  
5 (indiscernible).

6 PRESIDING COMMISSIONER ST. JULIEN: When  
7 you were using heroine? How do you think that  
8 affected your life?

9 INMATE GLASGOW: (indiscernible)

10 PRESIDING COMMISSIONER ST. JULIEN: Would  
11 you ever use it again?

12 INMATE GLASGOW: No Ma'am.

13 PRESIDING COMMISSIONER ST. JULIEN: Why  
14 not?

15 INMATE GLASGOW: Because I know what it  
16 will do to you Ma'am. (indiscernible).

17 PRESIDING COMMISSIONER ST. JULIEN: How  
18 do you explain the long heroine use and your  
19 offenses, arrest record with all of your  
20 laudatories and good behavior in prison? How  
21 did that change come about?

22 INMATE GLASGOW: I had to work  
23 (indiscernible) and all different arrests the  
24 main thing Ma'am, drug addiction.  
25 (indiscernible) and habit. Now I don't have the  
26 habit.

27 PRESIDING COMMISSIONER ST. JULIEN: And



1 how were you able to stop because I think that  
2 we all know that heroine use is often available  
3 in prison.

4 **INMATE GLASGOW:** By participating in the  
5 programs and being active and doin the right  
6 thing. Positive things. Do things to better my  
7 life. (indiscernible) and that's my future. I  
8 know that you made a statement that they said  
9 that I didn't feel no remorse, I have to feel  
10 remorse because my family is involved. My niece  
11 was pregnant (indiscernible). When they was  
12 babies I used to send my niece all the money I  
13 could (indiscernible) everything I could but I  
14 knew it wasn't much but it was the best that I  
15 could do.

16 **PRESIDING COMMISSIONER ST. JULIEN:** You  
17 would send them money?

18 **INMATE GLASGOW:** Ya. I knew it was the  
19 kid's father so I tried to do did everything I  
20 could (indiscernible). (indiscernible) where  
21 there father was. It kind of hurts me  
22 (indiscernible).

23 **PRESIDING COMMISSIONER ST. JULIEN:** Any  
24 other questions? Mr. Rico do you have questions  
25 for Mr. Glasgow?

26 **DEPUTY DISTRICT ATTORNEY RICO:** Yes I do  
27 Commissioner and I will address them to the

1 panel. I am a little bit confused about some  
2 things, I don't mean to repeat. It is my  
3 understanding that Mr. Glasgow was 38 at the  
4 time of the life crime and the victim according  
5 to the autopsy information was 30 is that about  
6 right. Does Mr. Glasgow remember that?

7 **INMATE GLASGOW:** I don't really know his  
8 age.

9 **DEPUTY DISTRICT ATTORNEY RICO:** That's  
10 fine. I guess that some of the things that I am  
11 wondering about in terms of the life crime. The  
12 file indicates that on March 1<sup>st</sup>, 1980 that Mr.  
13 Glasgow went over to his niece's residence about  
14 five o'clock in the morning. Is that accurate?

15 **INMATE GLASGOW:** It was early.

16 **DEPUTY DISTRICT ATTORNEY RICO:** Why did  
17 you go over so early?

18 **INMATE GLASGOW:** Because as it was stated  
19 I was on this methadone maintenance program and  
20 you had to pick your medicine up early and I  
21 didn't want to miss that so I stayed up.

22 **DEPUTY DISTRICT ATTORNEY RICO:** So I  
23 guess what I am asking you is why did he go over  
24 to his niece's residence that morning?

25 **INMATE GLASGOW:** Because I was concerned  
26 about her.

27 **DEPUTY DISTRICT ATTORNEY RICO:** Concerned

1 about what?

2 INMATE GLASGOW: I was going to San  
3 Francisco so I was concerned about my niece so I  
4 stopped there.

5 DEPUTY DISTRICT ATTORNEY RICO: And I  
6 heard Mr. Glasgow indicate earlier that it was  
7 his gun and he took it with him is that  
8 accurate?

9 INMATE GLASGOW: Yes.

10 DEPUTY DISTRICT ATTORNEY RICO: What I am  
11 wondering is since it looks like Mr. Glasgow in  
12 addition to the 82 arrests, had four prior  
13 felony convictions. What did he have a gun for  
14 anyway?

15 INMATE GLASGOW: Because the area that I  
16 was in. (indiscernible) been beaten up there a  
17 couple times before.

18 DEPUTY DISTRICT ATTORNEY RICO: But the  
19 crime itself took place in the city of Palo Alto  
20 which is in Santa Clara County and not East Palo  
21 Alto which is in San Mateo County. Isn't that  
22 true?

23 INMATE GLASGOW: Well it split up, they  
24 split the county. Palo Alto is split county.

25 DEPUTY DISTRICT ATTORNEY RICO: I guess  
26 what I am asking is it would appear that the  
27 shooting took place at his niece's residence at

1 1179 Amarillo A-M-A-R-I-L-L-O in Palo Alto.

2 Where exactly was that? Does Mr. Glasgow  
3 remember what area of town?

4 **INMATE GLASGOW:** No, it's Palo Alto  
5 (indiscernible).

6 **DEPUTY DISTRICT ATTORNEY RICO:** In terms  
7 of the weapon, I note that in that report  
8 Commissioner you referred to the psych report  
9 from May 4<sup>th</sup>, of 2000 under review of the life  
10 crime, at that time Mr. Glasgow was saying that  
11 he killed the victim with the victim's own gun  
12 purely in self defense which is different from  
13 what he is saying today. Could he comment on  
14 those discrepancies in the last five years, the  
15 different stories?

16 **INMATE GLASGOW:** It because she had lies.  
17 I am telling the truth today.

18 **DEPUTY DISTRICT ATTORNEY RICO:** So does  
19 Mr. Glasgow say that he was lying as recently as  
20 May of 2000 about how the life crime took place?

21 **INMATE GLASGOW:** I am sorry.

22 **DEPUTY DISTRICT ATTORNEY RICO:** I will  
23 rephrase that. Commissioner do you see the  
24 question that I am talking about under the life  
25 crime there? It's on page four of the 540 --

26 **PRESIDING COMMISSIONER ST. JULIEN:** I see  
27 it. So this statement says that you said that

1 you killed Mr. Collins with his gun and you were  
2 acting in self defense. Now did you kill Mr.  
3 Collins with his gun?

4 INMATE GLASGOW: I had the gun.

5 PRESIDING COMMISSIONER ST. JULIEN: So  
6 why did you say you killed Mr. Collins with his  
7 gun.

8 INMATE GLASGOW: I was under the  
9 impression that he had a gun.

10 PRESIDING COMMISSIONER ST. JULIEN: Do  
11 you that this doesn't make sense to us?

12 ATTORNEY HALL: He said earlier that he  
13 thought that Mr. Collins had a gun.

14 PRESIDING COMMISSIONER ST. JULIEN: He  
15 says here that he says he killed the victim with  
16 the victims own gun.

17 INMATE GLASGOW: No I had the gun  
18 (indiscernible).

19 PRESIDING COMMISSIONER ST. JULIEN: Maybe  
20 the psychologist -- I don't know.

21 DEPUTY DISTRICT ATTORNEY RICO: I thought  
22 I heard Mr. Glasgow say a minute ago that he was  
23 telling the truth today. Is he acknowledging  
24 that maybe he wasn't being truthful in 2000  
25 about how the crime really took place? Is that  
26 what he was indicating?

27 INMATE GLASGOW: Well if I told him that

1 then it stayed my mind. I was under the  
2 impression that he had a gun.

3 **DEPUTY DISTRICT ATTORNEY RICO:** I will  
4 let that be enough and not pursue that anymore.  
5 There was some materials that I had submitted to  
6 the board on October 6<sup>th</sup> that included an  
7 autopsy report and crime scene diagram and three  
8 crime scene photos.

9 **PRESIDING COMMISSIONER ST. JULIEN:** Yes,  
10 we received that. I didn't see the photos  
11 unless they are in the C File. We did see the  
12 report of the crime scene and the autopsy and  
13 all of that.

14 **ATTORNEY HALL:** And which I just received  
15 today and again I would urge that it not be  
16 considered as submitted untimelyness.

17 **DEPUTY DISTRICT ATTORNEY RICO:** Well.  
18 Commissioner I also would point out that when I  
19 did submit that it was on October 6<sup>th</sup>, 2005 I  
20 overnighted them to Soledad and the last line in  
21 the cover letter said that I am enclosing copies  
22 of the materials for the inmates C File, the BPH  
23 panel and inmate Glasgow's attorney. I would  
24 ask that you forward the copy provided for the  
25 inmate's attorney to counsel immediately so it  
26 is received in timely fashion prior to the above  
27 referred to lifer hearing scheduled for November

1 2<sup>nd</sup>. That was on October 6<sup>th</sup>. I did everything  
2 that I could.

3 PRESIDING COMMISSIONER ST. JULIEN: We  
4 all just got these today. I don't know. Mr.  
5 Hall did you receive this before?

6 ATTORNEY HALL: No I did not. This is  
7 the first time I am seeing it.

8 PRESIDING COMMISSIONER ST. JULIEN: It  
9 was in our updated materials that I actually  
10 gave Mr. Hall his copy. But we just got those  
11 today.

12 DEPUTY DISTRICT ATTORNEY RICO: I terms  
13 of submitting it timely, there is nothing more  
14 that I could do unless --

15 PRESIDING COMMISSIONER ST. JULIEN: That  
16 is correct. I don't know. The information  
17 would probably be the determining factor.

18 DEPUTY DISTRICT ATTORNEY RICO: In any  
19 event, I am also told that sometimes crime scene  
20 photographs are put in something called a sluff  
21 file which is --

22 PRESIDING COMMISSIONER ST. JULIEN: Mr.  
23 Wolk is looking for them now.

24 DEPUTY DISTRICT ATTORNEY RICO: Thank  
25 you. The line is going to ask the panel for  
26 submission to the inmate is this. I have seen  
27 the letter that Mr. Glasgow wrote to, and it

1 says to the Glasgow, Watts, and Collins Family  
2 and it indicates in it that his, meaning Mr.  
3 Collins, death was never intentional. I guess  
4 what I am kind of confused about here, the  
5 photos show, and I could just ask Mr. Glasgow  
6 that, wasn't Mr. Collins completely naked at the  
7 time he was shot?

8 **INMATE GLASGOW:** I don't know, I didn't  
9 have time enough to view him (indiscernible)  
10 because I was afraid and I was scared.

11 **DEPUTY DISTRICT ATTORNEY RICO:** I guess  
12 he was shot in the bedroom. Is that accurate?

13 **INMATE GLASGOW:** It was up against the  
14 door, between the hallway and the bedroom.

15 **DEPUTY DISTRICT ATTORNEY RICO:** I guess  
16 one of the things that confuses me, Mr. Glasgow  
17 came to the apartment and was refused entrance  
18 the first time, the second time he was let in.  
19 Why did Mr. Glasgow after he gained access to  
20 the apartment let in a second individual, Edmond  
21 Duhart, through a back door? Why did he do  
22 that?

23 **INMATE GLASGOW:** It was the first time I  
24 was at the apartment and I didn't know  
25 (indiscernible) was coming in the back. I  
26 didn't know I had someone in the car waitin.

27 **DEPUTY DISTRICT ATTORNEY RICO:** And if



1 Mr. Glasgow was afraid of the victim who  
2 apparently was in the back bedroom, why did Mr.  
3 Glasgow walk from the apartment, the living  
4 area, down the hallway into the bedroom where  
5 Mr. Collins was if Mr. Glasgow was afraid of  
6 him? Why did he go to him?

7 **INMATE GLASGOW:** I didn't walk to the  
8 bedroom, I went to the bathroom.

9 **DEPUTY DISTRICT ATTORNEY RICO:** How did  
10 Mr. Glasgow then wind up in the bedroom with the  
11 gun and with the victim?

12 **INMATE GLASGOW:** He was standing at the  
13 door between the hallway and the bedroom.

14 **DEPUTY DISTRICT ATTORNEY RICO:**  
15 Completely naked?

16 **INMATE GLASGOW:** I don't know if he was  
17 naked or not.

18 **DEPUTY DISTRICT ATTORNEY RICO:** And how  
19 was it, the report seems to indicate that at  
20 some point, when Mr. Glasgow went down and  
21 confronted the victim who was asleep in the bed  
22 in the bedroom and started shooting that Mr.  
23 Glasgow's niece threw her self over the victim  
24 to try to shield him and Mr. Glasgow fired  
25 through the niece into the victim? Is that  
26 accurate?

27 **INMATE GLASGOW:** No Sir.

1           DEPUTY DISTRICT ATTORNEY RICO: How did  
2 bullets pass through Mr. Glasgow's niece then?

3           INMATE GLASGOW: I don't know as to the  
4 question how.

5           DEPUTY DISTRICT ATTORNEY RICO: And the  
6 autopsy report indicates that among the many  
7 wounds to the victim, Ralph Collins, there were  
8 a couple of bullets, one directly above the  
9 right ear canal which had a marginal rim of  
10 abrasion suggesting that the gun was put right  
11 up against the head. How did Mr. Glasgow shoot  
12 the victim in that manner up against the back of  
13 the head if he was fighting him as he has  
14 indicated?

15          INMATE GLASGOW: (indiscernible).

16          DEPUTY DISTRICT ATTORNEY RICO: I don't  
17 know if those photos have been located but they  
18 show two bullets. All I know is that I sent  
19 them. I don't know what the institution did  
20 with them.

21          DEPUTY COMMISSIONER WOLK: We'll take  
22 your word for it.

23          DEPUTY DISTRICT ATTORNEY RICO: I will  
24 just ask Mr. Glasgow through the panel this.  
25 Did Mr. Glasgow put the muzzle of the gun right  
26 up against the victim's head and pull the  
27 trigger?

1           **INMATE GLASGOW:** Sir, I know this is not  
2 the time nor the place but nothin no way  
3 (indiscernible) fightin and I was afraid for my  
4 life and I don't know what position the man was  
5 in all I know is that I was fightin for my life.  
6 (indiscernible).

7           **DEPUTY DISTRICT ATTORNEY RICO:** I guess  
8 what I don't understand Mr. Glasgow is  
9 indicating that he was fighting for his life but  
10 it would appear that the victim had no clothing  
11 on and no weapon and Mr. Glasgow was the only  
12 one with a gun and had gone to the victim. Can  
13 he explain how it was that he somehow was  
14 fighting for his life under those circumstances?

15           **ATTORNEY HALL:** We will object to the  
16 premise that in fact that the person was nude or  
17 naked at the time. Mr. Glasgow has said that he  
18 didn't know whether he recall if the man was  
19 naked or not so to include that in the question,  
20 the premise that he was naked I think is  
21 improper.

22           **DEPUTY DISTRICT ATTORNEY RICO:** May I  
23 have just a moment?

24           **PRESIDING COMMISSIONER ST. JULIEN:** Yes.  
25 Can you limit it to one more question?

26           **DEPUTY DISTRICT ATTORNEY RICO:**  
27 Certainly. I know Mr. Glasgow has indicated

1 that his niece was convicted of perjury for  
2 lying but isn't the lie that she was convicted  
3 of perjury for telling the recanting of her  
4 original version. So I guess what I am saying  
5 she wasn't convicted for lying that he did the  
6 crime but she was convicted for lying after the  
7 fact that he hadn't been involved. Isn't that  
8 accurate?

9 INMATE GLASGOW: I don't know.

10 DEPUTY DISTRICT ATTORNEY RICO: Did Mr.  
11 Glasgow do anything to get his niece to change  
12 her story to try to get him out of trouble?

13 INMATE GLASGOW: Got arrested on March  
14 the 1<sup>st</sup> and I been in jail ever since.

15 DEPUTY DISTRICT ATTORNEY RICO: I have  
16 nothing further.

17 PRESIDING COMMISSIONER ST. JULIEN: Okay  
18 Mr. Hall.

19 ATTORNEY HALL: Thank you. This crime  
20 occurred some twenty five years ago, twenty five  
21 and a half years ago, and you are now 64 years  
22 old?

23 INMATE GLASGOW: Yes.

24 ATTORNEY HALL: In respect to some of the  
25 questions that the Deputy District Attorney was  
26 asking you about in detail about the crime.  
27 Your memory is quite clear as to what happened

1 next?

2 INMATE GLASGOW: Yes.

3 ATTORNEY HALL: Your memory is quite  
4 clear?

5 INMATE GLASGOW: Yes.

6 ATTORNEY HALL: Do you have any  
7 recollection during the struggle that your niece  
8 participated in that struggle?

9 INMATE GLASGOW: Yes she did.

10 ATTORNEY HALL: And as you testified,  
11 this occurred outside the bedroom?

12 INMATE GLASGOW: Yes.

13 ATTORNEY HALL: And your testimony you  
14 thought that Mr. Collins had a weapon. Is that  
15 correct?

16 INMATE GLASGOW: Yes.

17 ATTORNEY HALL: You saw that report, or  
18 you heard that various statements that you had  
19 no weapon. Is that true?

20 INMATE GLASGOW: Yes.

21 ATTORNEY HALL: But you know for sure  
22 that you did have a weapon?

23 INMATE GLASGOW: Yes.

24 ATTORNEY HALL: And that the shooting  
25 occurred while you were struggling for the  
26 weapon?

27 INMATE GLASGOW: Yes.

1           **ATTORNEY HALL:** I have no further  
2 questions.

3           **PRESIDING COMMISSIONER ST. JULIEN:** Mr.  
4 Rico do you have a closing statement?

5           **DEPUTY DISTRICT ATTORNEY RICO:** Yes,  
6 briefly Commissioner. It's true that this life  
7 crime took place some 25 years ago on March 1<sup>st</sup>  
8 or 1980. And here we are 25 years later and Mr.  
9 Glasgow is indicating his version of the events  
10 and they just don't seem to fit what the  
11 information in the packet, in the probation  
12 report, in the file, in the materials that I  
13 submitted. On March 1<sup>st</sup>, 1980 at approximately  
14 five o'clock in the morning the defendant knocks  
15 on the door of his niece, Patricia Watts and she  
16 doesn't let him in because the victim,  
17 apparently someone that Mr. Glasgow has had  
18 issues with in the past is there. According to  
19 all of the information here, asleep in the back  
20 bedroom. So later that morning Mr. Glasgow  
21 returns and his niece lets him in and then for  
22 some reason Mr. Glasgow let's in an acquaintance  
23 this Edmond Duhart in through the back door and  
24 I know that Mr. Glasgow is indicating that  
25 simply went to the bathroom but the indications  
26 are that Mr. Glasgow walked down the hall into  
27 the bedroom where Mr. Collins, this person that

1 he didn't like or had fights with in the past  
2 was in bed. I don't know where those photos  
3 went that I sent on October 6<sup>th</sup> but they the  
4 condition of the victim. I will leave it at  
5 that. But the victim was shot two times in the  
6 back and the head, upper abdomen and indications  
7 are that Patricia Watts at one point during this  
8 attack covered the victim with her own body and  
9 that Mr. Glasgow fired through her into the  
10 victim. Mr. Glasgow seems to be saying that he  
11 has remorse that he is no longer involved with  
12 drugs and that he is a changed person but I do  
13 not hear him coming to terms with the crime. I  
14 hear, but when I look at that 2000 psych eval it  
15 troubles me that according to the clear words by  
16 the author of that report as recently as 2000  
17 Mr. Glasgow is indicating that he killed the  
18 victim with the victims own gun clearly in self  
19 defense. That is what the report says in its  
20 very words. And now he is indicating that yes  
21 it was his gun, Mr. Glasgow's gun that he took  
22 to the residence that day. Somehow because he  
23 was afraid of the area. Although the crime took  
24 place in Palo Alto which is clearly not a high  
25 crime area. It's not the same thing as East  
26 Palo Alto. And we have Mr. Glasgow who has four  
27 prior felony convictions. It's a crime to be a

1 felon in possession of a firearm that he seems  
2 to have no qualms about arming himself and  
3 walking around. He was going up to San  
4 Francisco that day apparently going to take the  
5 gun. There is much more going on here in terms  
6 of how his life crime took place than Mr.  
7 Glasgow seems to be owning up to or accepting  
8 responsibility for. And the current psych eval  
9 I have to take issue with. On page two it says  
10 that under review of the life crime that he,  
11 meaning Mr. Glasgow, showed good insight into  
12 the causative factors related to the instance  
13 offense and I am not seeing that at all. I am  
14 seeing an individual who still can't come to  
15 terms why there is a bullet above the right ear  
16 canal and there is an indication of a muzzle  
17 being pressed up to the skull when he is  
18 claiming that he, Mr. Glasgow was fighting for  
19 his life although the victim wasn't armed and  
20 Mr. Glasgow was the only one armed. The version  
21 I hearing does not make sense and when he says  
22 that the shooting wasn't intentional Mr. Glasgow  
23 is the one that went down the hall. So I think  
24 he has a long way to go. I am not quite sure  
25 and I didn't specifically ask in terms of the  
26 plans getting out, his work plans, the owner of  
27 Big Ed's Furniture seems to indicate that Mr.



1 Glasgow would be employed in sales and delivery  
2 and I'm not sure if that is going to mean that  
3 Mr. Glasgow at age 64 with medical issues that  
4 he's got is going to be out in a truck  
5 delivering heavy furniture. So I don't know if  
6 that is truly a practical plan for him at this  
7 stage in his life. But all things considered  
8 and when we get down to the remorse issue, when  
9 Mr. Glasgow was asked he felt about the crime I  
10 heard him talk about his family, I heard him  
11 talk about the victim's family, and maybe I  
12 missed it but I didn't hear him specifically  
13 talk about how he feels for Mr. Collins losing  
14 his life. He talked about Mr. Collins family  
15 and Mr. Glasgow's family but I didn't hear what  
16 sounded to me like a true indication of remorse  
17 for Mr. Collins losing his life and I don't  
18 know if there is still animosity there. So my  
19 concern is that even though Mr. Glasgow is 64,  
20 is no doubt is a much perhaps living a gentler  
21 or less aggressive lifestyle behind bars but if  
22 he is to get out, if he was to be given a date  
23 and to go back out. I know he has taken anger  
24 management classes while he has been in but when  
25 he was out last time with four prior felony  
26 convictions he didn't hesitate to arm himself  
27 and I truly do not feel from what I have heard

1 today that Mr. Glasgow has reassured anyone that  
2 if he is released he is not going to fall back  
3 into patterns that maybe have gotten him to  
4 where he is today. And I think that until such  
5 time as he truly looks inward and is perhaps  
6 more forthright and comes to terms and gains  
7 insight, true insight into how this crime took  
8 place. What he really did that there is not  
9 indication that under certain circumstances he  
10 wouldn't act like this again. And I think that  
11 he still has work to do and in that regard and  
12 I would submit on those comments I ask that he  
13 be found not suitable. Thank you.

14 **PRESIDING COMMISSIONER ST. JULIEN:** Thank  
15 you. And Mr. Rico we did find the crime scene  
16 photographs. They were in a folder under some  
17 other things. Did you hear me?

18 **DEPUTY DISTRICT ATTORNEY RICO:** Yes I did  
19 but I talked enough so thank you.

20 **PRESIDING COMMISSIONER ST. JULIEN:** Mr.  
21 Hall closing statement.

22 **ATTORNEY HALL:** Yes, thank you. I think  
23 that the Deputy District Attorney's statement  
24 amounts to really an attempt to retry the case.  
25 That was the implication of the questioning of  
26 Mr. Glasgow. Perhaps that was not his intent  
27 but it amounts to that. I think the real issue

1 is whether or not Mr. Glasgow would pose an  
2 unreasonable risk upon society should he be  
3 paroled. And I think the conclusion has to be  
4 that he would not pose such a risk. Here is a  
5 person who is been working on him self, working  
6 through heroine addiction, working through the  
7 fact that having killed someone and taking  
8 responsibility for it. And he has done that.  
9 And I think that he has done that sufficiently  
10 that the psychologist who evaluated him through  
11 out his incarceration has mapped his progress in  
12 that regard and we could go back to the  
13 evaluation that was done by Doctor Kidd back in  
14 1992. Doctor Kidd points out that Mr. Glasgow  
15 violence potential outside the controlled  
16 setting in the past appeared less than average  
17 then at present has decreased. Then we come to  
18 earlier in 1989 Doctor Martin stated that less  
19 controlled setting such as a return to the  
20 community the inmate will likely continue the  
21 present gains if he does not return to his  
22 addiction. In 2000 Doctor Reed wrote that if  
23 released to the community his violence potential  
24 is considered to be no more than the average  
25 citizen in the community. And the Commissioner  
26 has put on the record already the present  
27 psychological assessment essentially that Mr.

1 Glasgow would pose no more risk than the average  
2 citizen in the community if he was to be  
3 paroled. The statements made by Patricia Watts  
4 should be taken with a grain of salt when her  
5 entire testimony in fact. I mean here is a  
6 person convicted of a felony of perjury. I know  
7 the Deputy District Attorney asks questions as  
8 to the specific comments or statements made by  
9 Ms. Watts for which he was convicted of perjury.  
10 We don't know that, if not presented to the  
11 board any transcript of what was said by her,  
12 what the court deemed to have been perjury  
13 (indiscernible). Mr. Glasgow does not know  
14 exactly what lies she told when she testified  
15 but in fact he testified to how the crime  
16 occurred and she testified and between the three  
17 individuals, Mr. Collins, Ms. Watts, and Mr.  
18 Glasgow, she and Mr. Glasgow were the only  
19 remaining witnesses. Any statements that she  
20 made as to how the instances occurred, how the  
21 murder occurred should be taken with a grain of  
22 salt. Certainly Mr. Glasgow has been  
23 forthright, he has been convicted of this crime  
24 and really has no reason to lie about what  
25 happened. The statement by the Agent Powers  
26 describing Mr. Glasgow's domineer stating that  
27 he show no sign of remorse, that was at the time

1 of the crime. I don't know if Agent Powers has  
2 seen any of the psychological evaluations. I  
3 don't know if she has seen or spoken to anyone  
4 since this crime occurred in 1980 and so to base  
5 a conclusion on what she perceived Mr. Glasgow  
6 to be demonstrating back in March of 1980  
7 certainly would be unfair to Mr. Glasgow but  
8 than unfair it's just unreliable and it's not a  
9 reflection of who Mr. Glasgow is today. So I  
10 think that comment, any comment regarding Mr.  
11 Glasgow's perceived lack of remorse should be  
12 discounted and not observed at all. Instead the  
13 various evaluators that assessed Mr. Glasgow has  
14 pointed out that he has shown remorse through  
15 out the time that he has been incarcerated and  
16 again he has demonstrated that the various  
17 petitions submitted on his behalf as his  
18 expressed remorse of Mr. Collins death and the  
19 harm to the families. It is true that he does  
20 mention his family and I think we should keep in  
21 mind that this is a family that two families are  
22 intertwined both are Ms. Watts was his niece  
23 since she is now deceased. Certainly there  
24 would be remorse on both sides and these family  
25 members have, some family members have forgiven  
26 Mr. Glasgow and are urging his release on  
27 parole. Again the evaluators have expressed

1 that Mr. Glasgow has demonstrated that he has  
2 gained insight into what he has done. Certainly  
3 being incarcerated for so long without any kind  
4 of violation for drugs, or controlled substances  
5 of any kind clearly demonstrates that in fact  
6 that he has kicked the habit, that he has been  
7 fighting the heroine addiction that he has been  
8 fighting at a time of the crime. And I think  
9 that he has realistic parole plans. He's got  
10 employment offers as well as marketable skills  
11 and commitment to a residence with his wife.  
12 Given Mr. Glasgow's medical condition I think it  
13 is very unlikely that he would be at risk of  
14 committing any kind of violence or  
15 (indiscernible) against anyone in the community.  
16 And then when you add his age of 64 to that it  
17 certainly would minimize any potential what so  
18 ever he would commit any kind of aggression or  
19 violence against anyone. He has family support,  
20 various family members who will again on his  
21 behalf written parole as well as other community  
22 members and I believe it amounts to some 60  
23 individuals who voice there support as members  
24 of the community supporting Mr. Glasgow's  
25 release on parole. I think overall given Mr.  
26 Glasgow's following of the rules with in the  
27 institution, having rehabilitated him self,

1 having kicked the heroine addiction, and having  
2 sincere and competent plans for the future we  
3 believe at this time he is suitable for parole  
4 and we urge this panel to so decide and grant  
5 Mr. Glasgow parole. Thank you.

6 **PRESIDING COMMISSIONER ST. JULIEN:** Okay,  
7 thank you. Actually I have an unusual - Mr.  
8 Rico I have a question for you before we go on.  
9 Was Mr. Duhart convicted of anything? I know  
10 that he was --

11 **DEPUTY DISTRICT ATTORNEY RICO:** I have a  
12 note here that at the jury trial December 19<sup>th</sup>,  
13 1980 he was found not guilty. I don't have --  
14 The trial prosecutor is here but I don't have a  
15 note about that aspect of it. I don't know if  
16 you wish to -

17 **MS. NEDDE:** As I recall he was acquitted  
18 of everything. There was no evidence that he  
19 participated in the shooting or anything else.  
20 My argument to the jury of course was that he  
21 was an accomplice that having more than one  
22 person there, that increased the victim's  
23 danger.

24 **PRESIDING COMMISSIONER ST. JULIEN:** Okay  
25 thank you. Mr. Glasgow would you like to give a  
26 statement as to your parole suitability?

27 **INMATE GLASGOW:** Well at this point in my

1 life.

2 **DEPUTY COMMISSIONER WOLK:** Why don't you  
3 go ahead and start over again.

4 **INMATE GLASGOW:** What I am doing now for  
5 my life I am planning on doin the rest of my  
6 life. I don't plan on doin any thing backward  
7 and doin what I used to do. I learned my lesson  
8 and I live my self in life and all I can do is  
9 continue to do the right things. I know  
10 (indiscernible). I am not on trial anymore but  
11 I (indiscernible). I won't disappoint anyone.  
12 Please let me (indiscernible). I love my family  
13 and I want to be with them. If there is  
14 anything more I can do (indiscernible).

15 **PRESIDING COMMISSIONER ST. JULIEN:** Okay.  
16 Is there anything else that you would like to  
17 say Sir?

18 **INMATE GLASGOW:** Just that I extend my  
19 remorse to the Collins family and I put it on  
20 paper but I pray for his soul. I pray  
21 (indiscernible) taking his life (indiscernible).

22 **PRESIDING COMMISSIONER ST. JULIEN:** Okay,  
23 thank you Sir. We will now recess for  
24 deliberations.

25 **R E C E S S**

26 --oOo--  
27



1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER WOLK: We're back on  
4 record.

5 PRESIDING COMMISSIONER ST. JULIEN: All  
6 parties have returned to the room for the  
7 hearing of Brice Glasgow. Mr. Glasgow we are  
8 going to deny your parole, we are going to deny  
9 your parole for a year. The main reason, the  
10 commitment crime. It just doesn't, we just  
11 can't reconcile the facts of the crime with your  
12 accounts, we can't say, we don't who's right and  
13 who's wrong and who is telling the truth and who  
14 isn't. But as long as there are lingering  
15 doubts we just can't do it. We have reviewed  
16 all the information received from the public and  
17 relied on the following circumstances in  
18 concluding that the inmate is not suitable for  
19 parole and would pose and unreasonable risk of  
20 danger to society or a threat to public safety  
21 if released from prison. The commitment offense  
22 was carried out in an especially cruel and  
23 callous manner in that the inmate shot and  
24 killed Mr. Ralph Collins and there were three  
25 bullet wounds to the back and two to the back of  
26 the head and also a shot into Patricia Watts who  
27 BRICE GLASGOW C-26529 DECISION PAGE 1 11/2/05

1 was the inmates niece and she was shot once in  
2 the back. Multiple victims were attacked in the  
3 same incident and one was killed and one was  
4 injured and the motive for the crime was  
5 explicable or very trivial in relation to the  
6 offense and on the one hand we have as a result  
7 of and altercation and (indiscernible) and on  
8 the other hand we have that there was  
9 intentional motives behind the shooting. So it  
10 is hard for us to draw a conclusion here and we  
11 would suggest that you really, really think  
12 about this and try to go back and research your  
13 memory as much as you can and perhaps even write  
14 something down. Make a statement as to the  
15 events of that night or that morning in its  
16 entirety and what you did afterwards because the  
17 fact that you left, you basically left Mr.  
18 Collins. I don't know if you knew he was dead  
19 or (indiscernible) So I think all of those  
20 things (indiscernible). In terms of your  
21 previous record, you do have an escalated  
22 pattern of criminal conduct and violence and a  
23 history of unstable relationships with others  
24 and you have failed previous rounds of probation  
25 and parole and can't (indiscernible) want you to  
26 avoid future criminalities and that

1 (indiscernible). The probation and parole stems  
2 from approximately 82 arrests and the arrests  
3 were for various crimes but they include  
4 battery, illegal weapon, burglary, conspiracy  
5 and forgery. And I also note that you have  
6 failed to profit from societies previous  
7 attempts to correct your criminality and these  
8 include CYA commitment, (indiscernible), being  
9 on parole and probation, (indiscernible). In  
10 terms of your programming you have done very  
11 well. And as my colleague previously noted you  
12 have numerous laudatory chronos and you have  
13 done exceptionally well while you have been  
14 here. Your last 115 was in 1999 and you have  
15 only had 3 total since you have been here and  
16 that is indeed a very good record. We also note  
17 that your psychological report dated December  
18 1<sup>st</sup>, 2004 authored by Doctor Reed is favorable  
19 and that he states that you need no more risk of  
20 violence that the average citizen however I also  
21 do note on that psychological report that Doctor  
22 Reed really didn't delve into your prior  
23 criminal history and the heroine use and as it  
24 relates to the crime and perhaps if you had some  
25 more discussions with a therapist or a  
26 psychologist you to maybe could reconcile some  
27 BRICE GLASGOW C-26529 DECISION PAGE 3 11/2/05

1 of the issued that we are so concerned about.  
2 In terms of your parole plans you do have viable  
3 residential plans in the County of  
4 (indiscernible) as well as in Stockton area and  
5 you do have acceptable employment plans and that  
6 you have two job offers and you do have a  
7 marketable skill. And we note that in response  
8 to 3042 notices for opposition of parole  
9 suitability we have that opposition  
10 (indiscernible) by the District Attorney of  
11 Santa Clara as well as the Palo Alto police  
12 department and I am referring to the letter that  
13 was in the file. And we made the following  
14 findings that the prisoner needs therapy in  
15 order to face (indiscernible) cope with stress  
16 in a nondestructive manner. Until progress is  
17 made we maintain that you may be unpredictable  
18 and a threat to others. However we would like  
19 to commend you for participating in anger  
20 management, the PIA textiles for over 20 years,  
21 project impact, and disciplinary free since 1999  
22 as well as your exceptional record in receiving  
23 over approximately 50 laudatory chronos.  
24 However the positive aspects of you behavior do  
25 not out weigh the factors of unsuitability that  
26 were mentioned and we are hopeful that in one  
27 BRICE GLASGOW C-26529 DECISION PAGE 4 11/2/05

1 year that you read through all your prior  
2 transcripts, this one included, all your  
3 transcripts and really try to connect the pieces  
4 of this puzzle for the next panel. I would  
5 really encourage you to do that. And therefore  
6 I want to prepare your observation and  
7 evaluation is required before the board should  
8 find that you are suitable for parole.  
9 Commissioner Wolk?

10 DEPUTY COMMISSIONER WOLK: That's  
11 everything.

12 PRESIDING COMMISSIONER ST. JULIEN: And  
13 we will recess and it's ten minutes to eleven.

14 --oOo--

15

16

17

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22

23 PAROLE DENIED ONE YEAR

24 THIS DECISION WILL BE FINAL ON: MAR 2 2006

25 YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT  
26 DATE, THE DECISION IS MODIFIED.

27 BRICE GLASGOW C-26529 DECISION PAGE 5 11/2/05

CERTIFICATE AND  
DECLARATION OF TRANSCRIBER

I, SUE GERDES, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 - 69, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING OF BRICE GLASGOW, CDC NO.. C-26529, ON NOVEMBER 2, 2005, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated NOVEMBER 20, 2005, at Sacramento, California.



SUE GERDES  
TRANSCRIBER  
PETERS SHORTHAND REPORTING

**EXHIBIT "B"**

PSYCHOLOGICAL EVALUATION FOR THE BOARD OF PRISON TERMS  
(REVISED AUGUST 1998)  
PAROLE CONSIDERATION HEARING  
FEBRUARY 2003 LIFER CALENDAR

CORRECTIONAL TRAINING FACILITY, SOLEDAD  
SEPTEMBER 3, 2002

Inmate Brice Glasgow, CDC# C-26529, was seen for a psychological evaluation for the Board of Prison Terms by Joe Reed, Ph.D., Staff Psychologist at the Correctional Training Facility (CTF), on 05/01/00 for the April 2000 Lifer Calendar.

According to the instructions given to Wardens and Health Care Managers by Steven Cambra, Jr. (CDC), and G. Lewis Chartrand, Jr. (BPT) in September 1998, once a mental health evaluation is completed in the new format, revised in August 1998, a new evaluation is not necessary when an inmate appears before the Board of Prison Terms unless the BPT has filed a BPT 1000A request for a new report.

Since there is no BPT 1000A request on file, a mental health evaluation was not conducted at this time.



BILL ZIKA, Ph.D.  
Senior Supervising Staff Psychologist  
CORRECTIONAL TRAINING FACILITY, SOLEDAD

BZ/gmj

D: 09/03/02  
T: 09/03/02



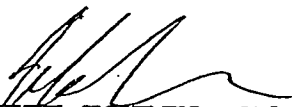
MENTAL HEALTH EVALUATION FOR THE BOARD OF PRISON TERMS  
(REVISED AUGUST 1998)  
PAROLE CONSIDERATION HEARING  
JANUARY 2002 LIFER CALENDAR

CORRECTIONAL TRAINING FACILITY, SOLEDAD  
OCTOBER 29, 2001

Inmate Brice Glasgow, CDC# C-26529, was seen for a mental health evaluation for the Board of Prison Terms by J. Reed, Ph.D., Staff Psychologist at CTF, on 05/01/00 for the April 2000 Lifer Calendar.

According to the agreement that CDC psychologists made with the Board of Prison Terms, once a mental health evaluation is completed in the new format, revised in August 1998, a new evaluation is not necessary each time the inmate appears before the Board of Prison Terms.

Therefore, a mental health evaluation was not conducted at this time.

  
JEFF HOWLIN, Ed.D.  
Senior Supervising Staff Psychologist (A)  
CORRECTIONAL TRAINING FACILITY, SOLEDAD

JH/gmj

D: 10/29/01  
T: 10/29/01

PSYCHOLOGICAL EVALUATION FOR THE BOARD OF PRISON TERMS  
PAROLE CONSIDERATION HEARING  
APRIL 2000 LIFER CALENDAR

CORRECTIONAL TRAINING FACILITY, SOLEDAD  
MAY 1, 2000

This is a psychological evaluation for the Board of Prison Terms for inmate Brice Glasgow, CDC# C-26529. This report is based upon a personal clinical interview of the inmate, conducted on 05/01/00, as well as a review of his Central file and unit health record. This clinical interview and a review of all pertinent documents were for the express purpose of preparing this report.

I. IDENTIFYING INFORMATION:

Inmate Glasgow is a 59-year-old, divorced, African-American male. His date of birth is 04/23/41. His stated religious affiliation is Protestant. No obvious unusual physical characteristics were observed and he denied ever having used any nicknames or aliases.

II. DEVELOPMENTAL HISTORY:

He had no significant developmental history. He had no history of physical or sexual abuse as either a perpetrator or a victim.

III. EDUCATIONAL HISTORY:

Inmate Glasgow attended public school and completed the tenth grade. He said he received his GED in 1990 at CTF. He has no college credits. His records indicate a 1986, measured grade point level of 6.9 TABE. He has no history of special education or academic or behavioral problems in school. He has no current involvement or interest in educational activities.

IV. FAMILY HISTORY:

Inmate Glasgow said that there is no significant history of crime or drug abuse in his family. He generally described his current relationships with his family members as supportive and that there is no history of abuse.

GLASGOW, BRICE  
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PAGE TWO

V. PSYCHOSEXUAL DEVELOPMENT AND SEXUAL ORIENTATION:

Inmate Glasgow is a heterosexual male. He denied any history of sexual aggression or high-risk sexual behavior.

VI. MARITAL HISTORY:

Inmate Glasgow stated that he has been married one time. His marriage began in 1980 and ended in 1984 due to incarceration-related problems. He generally described his current relationship with his ex-wife as supportive with no history of abuse. He acknowledged having one daughter who is now 21 years of age from his marriage. He generally described his current relationship with his daughter as supportive and that there is no history of abuse.

VII. MILITARY HISTORY:

The records indicate that this inmate has no military history.

VIII. EMPLOYMENT AND INCOME HISTORY:

Inmate Glasgow reported that his preincarceration work history includes working five years in construction and one year training as a barber. During his incarceration, he worked from 1985 until 1994 in PIA in fabric cutting and sewing. In 1994, he became certified in vocational print shop. From 1996 until the current date, he has worked in PIA in fabric cutting and sewing.

IX. SUBSTANCE ABUSE HISTORY:

Prior to his incarceration, inmate Glasgow acknowledged having abused heroin. He further stated that he has been abstinent for over 24 years. He reported that he has attended Alcoholics Anonymous and Narcotics Anonymous regularly from 1990 until the current date. This inmate does appear to have a drug abuse problem.

X. PSYCHIATRIC AND MEDICAL HISTORY:

This inmate has recent psychiatric diagnoses of Heroin Dependence, in institutional remission, and Antisocial

GLASGOW, BRICE  
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 PAGE THREE

Personality Disorder, improved. He stated that in 1975 he attended a methadone treatment program, and after completing the program remaining abstinent from heroin for four to five years just prior to his current incarceration. He has no history of serious accident, including head injury. He has no history of suicidal behavior, or a history of seizure or other neurological conditions. This inmate does have hypertension and is currently receiving medication for this condition.

**XI. PLANS IF GRANTED RELEASE:**

If granted parole, this inmate plans to live in Santa Clara County with his brother, who has agreed to this arrangement. His financial and vocational plans include using his savings and working in the construction area in a job offered by his brother. This inmate's prognosis for community living appears to be good.

**CLINICAL ASSESSMENT**

**XII. CURRENT MENTAL STATUS/TREATMENT NEEDS:**

During the clinical interview, inmate Glasgow was alert and oriented to person, place and time. He was well dressed and groomed. His speech was articulate and contextually meaningful. His mood and affect were within normal limits and his behavior was appropriate to the setting. No evidence of a mood or thought disorder was demonstrated. His estimated level of intellectual functioning was approximately within the average range.

**CURRENT DIAGNOSTIC IMPRESSIONS:**

AXIS I: Heroin Dependence, in sustained full remission. ✓  
 AXIS II: No Contributory Personality Disorder. ✓  
 AXIS III: Hypertension.

In addition to attending his Alcoholics Anonymous and Narcotics Anonymous meetings, inmate Glasgow has attended a number of other self-help programs. In 1991, he complete the Life Skills group with Dr. Bakeman at CTF. In 1993, he completed one on one

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PAGE FOUR

counseling with Dr. Bakeman. In 1995, he completed the Science of Mind Foundation course, and from 1996 until 1997, he attended the Milatti Islamic Program for Addiction Recovery.

XIII. REVIEW OF LIFE CRIME:

Inmate Glasgow said that he killed the victim with the victim's own gun, purely in self-defense. He said that he had previously been attacked by the victim and some of the victim's friends. At the time of the instant offense, the inmate recalled that he was surprised and attacked by the victim at the home of the inmate's niece. He further noted that he was very afraid of the victim because of beatings suffered by him from the victim on the two previous occasions. Inmate Glasgow did acknowledge the damage done to the victim and to his niece, who was also injured during the instant offense. He did note that he has sent support money to his now-deceased niece's children. ~~This inmate did appear to have good insight into the causative factors related to the instant offense.~~

XIV. ASSESSMENT OF DANGEROUSNESS:

- A. His violence potential within a controlled setting is considered to be below average ~~to significantly below average~~ relative to this Level II inmate population. This conclusion is based upon several factors.

On the one hand, inmate Glasgow had a juvenile criminal history involving numerous arrests, and he was committed to CYA on two occasions, once for Battery and Carrying a Concealed Weapon and once for Assault with a Deadly Weapon (a knife). His adult criminal history includes over 50 arrests with two convictions, one for Burglary and one for Shoplifting. He has three CDC-115 disciplinaries, the last received in 1999 for have gambling paraphernalia (gambling chips). He obtained two disciplinaries in 1993 for refusing a urine sample; these disciplinaries were received one day apart. He has also received four CDC-128s, the last received in 1999.

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On the other hand, however, he has never received a disciplinary ~~for violent behavior during his 20~~ years of incarceration within CDC. He has also received only three significant disciplinaries (as noted above) during this period. He has no history of gang affiliation. No significant psychopathy was observed. He has also completed a number of self-help programs satisfactorily and continues to attend Alcoholics Anonymous programming. Additionally, he developed job skills, including vocational print shop and fabric cutting.

Therefore, in light of these factors, his violence potential is considered to be below average to significantly below average relative to this Level II inmate population.

- B. If released to the community, his violence potential ~~is considered to be no more than the~~ average citizen in the community.
- C. Heroin abuse is a risk factor which may be a precursor to violence for this individual.

XV. CLINICIAN OBSERVATIONS/COMMENTS/RECOMMENDATIONS:

- A. This inmate is competent and responsible for his behavior. He has the capacity to abide by institutional standards.
- B. This inmate does not have a mental disorder which would necessitate treatment either during his incarceration period or following upon parole.
- C. This inmate does appear to have a heroin abuse problem and continued attendance at Alcoholics Anonymous or Narcotics Anonymous is suggested both during his incarceration and as a contingency for parole.

*Joe Reed*  
JOE REED, Ph.D., J.D.  
Staff Psychologist  
Correctional Training Facility, Soledad

GLASGOW, BRICE  
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PAGE SIX

*for* *W. J. Terrini*  
STEVEN J. TERRINI, Ph.D.  
Senior Supervising Psychologist  
Correctional Training Facility, Soledad

JR/gmj

D: 03/03/00  
T: 03/04/00



PSYCHIATRIC EVALUATION FOR THE BOARD OF PRISON TERMS  
PAROLE CONSIDERATION HEARING  
FEBRUARY 1997 CALENDAR

CORRECTIONAL TRAINING FACILITY, SOLEDAD  
NOVEMBER 7, 1996

This is either the fifth or the sixth psychological evaluation for the Board of Prison Terms on inmate Brice Glasgow. This report is the product of a personal interview, conducted on 11/07/96, as well as a review of his Central file and his unit health record. This interview was a single contact with this inmate for the sole purpose of preparing this report.

Inmate Glasgow was convicted of a 1980 murder. He continues to report that he did not know that the victim was in the apartment that he visited on that particular night. He also continues to state that the victim was shot in self-defense. Asked for his thoughts and feelings regarding this crime, he stated that he now knows that other people were hurt by this crime; in particular, his and the victim's family. He said if he had to do it all over again, he would not be involved with drugs.

Regarding CDC-115 violations, his most recent violation was on 06/14/93 for disobeying a direct order to submit to a urine sample.

Regarding drugs and alcohol, he admits to a heroin problem in the past. He is currently participating in a recovery group in this institution. He has participated in one-on-one BPT therapy with Dr. Bruce Bakeman and also participated in Dr. Bakeman's "Life Skills" group in the past. Educationally, he completed his GED during his incarceration. Vocationally, he has experience in the print shop, at one point being in the lead position in that vocation. This inmate stated he gets regular visits from family members, including his brother, mother and fiancée. His plans, if paroled, include getting married to his fiancée and finding work either in the printing or construction fields.

MENTAL STATUS EXAMINATION: Inmate Glasgow is a 55-year-old, black male of average to large build who appears his stated age. His dress and grooming were appropriate. He was calm, alert and cooperative during the interview. His speech, affect and flow of thought were all normal. His intellectual functioning was estimated to be within the average range.



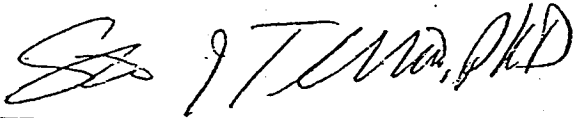
GLASGOW  
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DIAGNOSTIC IMPRESSIONS:

AXIS I: Heroin dependence, in institutional remission.  
AXIS II: Antisocial personality disorder, improved.  
AXIS III: High blood pressure.

CONCLUSIONS AND RECOMMENDATIONS:

- 1) This inmate is competent and responsible for his behavior. He has the capacity to abide by institutional standards and he has generally done so during his incarceration.
- 2) Regarding his violence potential, due to his maturity and sobriety, his violence potential is estimated to be somewhat below average relative to this inmate population.
- 3) Conditions of parole should include no alcohol nor illicit drugs and mandatory drug monitoring.
- 4) This inmate has no psychiatric condition that would suggest the need for any kind of mental health treatment at this time.

  
STEVEN J. TERRINI, Ph.D.  
Staff Psychologist  
Correctional Training Facility, Soledad

PSYCHIATRIC EVALUATION FOR THE BOARD OF PRISON TERMS  
PAROLE CONSIDERATION HEARING  
SEPTEMBER 1993 CALENDAR

CORRECTIONAL TRAINING FACILITY, SOLEDAD  
JUNE 17, 1993

This is the fourth psychiatric evaluation for the Board of Prison Terms on inmate Glasgow. This report is the product of a personal interview, as well as a review of his Central file and medical record.

He had no CDC 115s for a long period, but there is currently a CDC 115 pending from June 15, 1993, when he disobeyed an order to submit a urine sample for testing.

His crime consisted of the 1980 shooting of a man. He expressed regret for that incident. He has attained his GED educationally. Vocationally, he is now president of the print shop where he works. His future plans include moving to Santa Clara County to live and work in printing.

MENTAL STATUS EXAMINATION: Inmate Glasgow is a well developed, well nourished, muscular man who appeared to be his stated age of 52. He was appropriately dressed and groomed, and seemed to be relaxed and cooperative during the interview. His speech was of normal intensity, rate, inflection and quantity. His affect was normal and seemed appropriate to the content of his thought. His flow of thought was normal with no hallucinations nor delusions noted. He seemed to be fully oriented with normal intellectual functioning. His attention and concentration were good. His insight and judgment appear to be improving over that at the time of the shooting.

PSYCHIATRIC DIAGNOSIS: (DSM-III-R)

AXIS I: 304.00 - Heroin dependence, in institutional remission.  
AXIS II: 301.70 - Antisocial personality disorder, improved.  
AXIS III: High blood pressure.  
AXIS IV: Psychosocial stress - two (incarceration).  
AXIS V: Global assessment of functioning: current 90, past year 90.

PSYCHIATRIC CONCLUSIONS: His diagnosed psychopathology appears to be indirectly related to his offense. It was a contributing factor in the way he thought and acted at that time, but it did not specifically determine

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Page 2

his actions. He does not have a psychiatric condition which would benefit from mental health treatment following his release. He does appear to be showing improvement in his behavior, and if released, he should be able to maintain these gains, especially provided he avoids illicit drugs.

SUGGESTED ACTIONS: If he is to be continued in his present program, he should be encouraged to continue his attendance of Alcoholics Anonymous and to continue his vocational training in the printing trade. If he is considered for parole, his level of dangerousness should be no more than for the average inmate. Conditions for parole should include no alcohol nor illicit drugs.

RECOMMENDATION TO CLASSIFICATION COMMITTEE: Until released, he should:  
1) Continue to attend Alcoholics Anonymous. 2) Continue his vocational training in the printing trade.

*Bruce Bakeman Ph.D.*  
BRUCE M. BAKEMAN, Ph.D.  
Clinical Psychologist  
Correctional Training Facility, Soledad

GLASGOW

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CTF-CENTRAL

07/12/93

gj

PSYCHIATRIC EVALUATION FOR THE BOARD OF PRISON TERMS  
JULY 1992 ISL CALENDAR

CORRECTIONAL TRAINING FACILITY, SOLEDAD  
JUNE 4, 1992

This is the third psychological evaluation for the Board of Prison Terms on inmate Brice Glasgow. He was seen for a 30 minute interview, including a review of his Central file and medical record, for the purpose of this evaluation.

His last psychiatric evaluation for the Board of Prison Terms in 1989 by Dr. Clyde Martin was positive. Despite a long criminal history, this inmate has been estimated to be below average in violence potential. He completed Dr. Bakeman's "Lifeskills" group in January of 1991. He is currently working in the print shop and is attending Alcoholics Anonymous meetings. He has not received any CDC 115s.

In describing his offense, he states that it was self-defense, and that the victim had severely beaten the inmate a year prior to the Life crime.


**MENTAL STATUS EXAMINATION:** This is a well developed, well nourished male who appears to be his stated age. He was neatly dressed and well groomed. He was relaxed and cooperative. His speech was normal. His affect was normal and appropriate. He denies any symptoms of depression, suicidal ideation, hallucinations, delusions or thought disorder. He was oriented and is not having any difficulty with his memory. His intellectual functioning is estimated to be in the average range. His attention and concentration are good. His insight and self-understanding are good. He appears to have a clear understanding of the causative factors related to his offense. His emotional stability is currently much improved. He appears to be sincere about his rehabilitation. His judgment for hypothetical situations indicates that his problem solving ability is good. He shows an ability to cooperate with authority during an emergency situation and has a prosocial orientation. His solutions for moral dilemmas indicate an above average ability to understand the rights and responsibilities of himself and others.

PSYCHIATRIC EVALUATION FOR THE BOARD OF PRISON TERMS  
JULY 1989 CALENDARCORRECTIONAL TRAINING FACILITY, SOLEDAD  
APRIL 3, 1989

This is the second psychiatric evaluation for the Board of Prison Terms on Mr. Glasgow and is based on a 30-minute interview and a review of the Central file. The inmate had heroin addiction and was receiving methadone on the outside. A previous psychiatric report indicated heroin addiction and antisocial personality.

**MENTAL STATUS EXAMINATION:** The patient is a well developed, well nourished, muscular individual who appears his stated age. He was neatly dressed and well groomed. He was mildly tense. He was cooperative. His speech was of normal intensity, rate and inflection and he was spontaneous. His affect was normal. His thought content was appropriate to affect. His flow of thought was normal. He denies depressive or suicidal ideation. He has normal associations of thought. He is oriented as to time, place and person. His memory is intact. His intellectual functioning was not estimated. His attention and concentration were good. He has some insight and fair judgment at this point. He is currently remaining disciplinary-free and has a good work history. He seems to understand the causative factors of his crime, has some good self-understanding, positive attitudes for change, and good social identification. His sincerity for rehabilitation seems to be good.

**PSYCHIATRIC CONCLUSIONS:** The diagnosed psychopathology is only indirectly related to the crime. It predisposed to it, but did not determine it. Psychiatically, he has improved moderately while in the institution. In a less controlled setting, such as a return to the community, the inmate is likely to continue the present gains if he does not return to his addiction. If not paroled, it is recommended that he be continued in his present rehabilitation program. If paroled, his potential for violence is probably less than that of the average inmate unless he returns to his addiction, at which time it would be greater. Any conditions for parole should include drug and alcohol counseling and testing, and close supervision. I have no other recommendations.

  
CLYDE V. MARTIN, M.D., F.A.P.A.  
Staff Psychiatrist  
Correctional Training Facility, Soledad

PSYCHIATRIC EVALUATION FOR THE BOARD OF PRISON TERMS  
JULY 1986 CALENDARCORRECTIONAL TRAINING FACILITY, SOLEDAD  
MAY 9, 1986


This is the first psychiatric report to the Board of Prison Terms for this 45 year old black male serving a sentence for Murder First from Santa Clara County.

This report is based upon a review of the inmate's Central File and an interview of half an hour. The subject was born in Prescott, Arizona and moved with his family to California at age 3. He dropped out of school in the 11th grade and has been a construction laborer since that time, working sporadically. From his early 20's until the age of 36 he was a heroin addict. He stopped by himself when he "grew up". He had four felony convictions prior to the instant offense but no prior prison sentences (for theft, burglary, NSF). He is reluctant to discuss the details of the instant offense as he has it on appeal since his niece, one of the victims, was convicted of perjury for her testimony in his trial. The subject is married and has a nine year old child. He is currently employed in textiles at CTF and is housed at CTF-Central. He has mild hypertension which is controlled with Aldomet and Dyazine. He sustained head injuries during assaults connected with the instant offense and had three convulsive seizures later and glaucoma, traumatic type, which has improved. He has no CDC-115's since incarceration and no significant problems during incarceration.

MENTAL STATUS EXAMINATION: Is unremarkable. He is in good contact and fully oriented, without thought or mood disorder. Intellect is average. Memory is grossly normal and there are no overt signs of organicity. Insight and judgment are intact. He does not appear to have antisocial attitudes at the present time.

PSYCHIATRIC DIAGNOSIS: Axis I: Heroin Dependence, by history.  
Axis II: Antisocial Personality Disorder, Improved.

PSYCHIATRIC RECOMMENDATION: I can make no observations about the instant offense as the subject has it in appeal. He has a long history of criminal behavior, primarily associated with his drug dependence of many years. There is little evidence or prior violent behavior. He appears to have matured and "grown up", as he puts it, since incarceration. His disciplinary record supports this hypothesis. He does not appear to be in need of psychiatric treatment or vocational training.



PHILIP S. HICKS, M.D.  
Staff Psychiatrist



**FILED**

AUG 18 2006

**PROOF OF SERVICE BY MAIL  
BY PERSON IN STATE CUSTODY**

(C.C.P. §§ 1013(A), 2015,5)

I, Brice GlasgowKIRI TORRE  
Chief Executive Officer/Clerk  
Superior Court of Santa Clara County  
By S. Chua Deputy

I am over 18 years of age and I am party to this action. I am a resident of CORRECTIONAL TRAINING FACILITY prison, in the County of Monterrey, State of California. My prison address is:

Brice Glasgow, CDCR #: C-26529  
CORRECTIONAL TRAINING FACILITY  
P.O. BOX 689, CELL #: 4-131C  
SOLEDAD, CA 93960-0689.

On 8/14/06, I served the attached:

Superior Court of Santa Clara

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope (verified by prison staff), with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named institution in which I am presently confined. The envelope was addressed as follows:

Superior Court of Santa Clara  
County of Santa Clara  
191 N. First St.  
San Jose, CA 95113

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 8/14/06.

Brice Glasgow

Declarant

## **EXHIBIT 9**



**FILED**

SEP 13 2006

KIRI TORRE  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara  
BY [Signature] DEPUTY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

In re

BRICE GLASGOW,

On Habeas Corpus

No.: 75071

ORDER

Pursuant to *In re Dannenberg* (2005) 34 Cal.4th 1061 parole can be denied if any one of several broadly interpreted, and extremely deferentially reviewed, unsuitability factors are present. In this case "multiple victims were attacked, injured or killed." The habeas petition is DENIED.

DATED: 13 Sep, 2006

[Signature]  
PAUL BERNAL  
JUDGE OF THE SUPERIOR COURT



cc: Petitioner  
Attorney General  
Research (A)  
CJIC

**EXHIBIT 10**  
**Part 1 of 2**

MC-275

Name Brice Glasgow  
 Address Post Box 689  
Soledad, California  
93960-0689  
 CDC or ID Number C-26529

CALIFORNIA COURT OF APPEAL  
SIXTH APPELLANT DISTRICT  
 (Court)

**ORIGINAL**  
**FILED**

OCT 31 2005

MICHAEL J. YERLY, Clerk

PETITION FOR WRIT OF HABEAS CORPUS

**H030793**

No. \_\_\_\_\_

(To be supplied by the Clerk of the Court)

Superior Court No: 75071

BRICE GLASGOW,
Petitioner
vs.
B. CURRY, Warden (a)
Respondent

**INSTRUCTIONS—READ CAREFULLY**

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rule 60 of the California Rules of Court [as amended effective January 1, 2005]. Subsequent amendments to Rule 60 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

Page one of six

This petition concerns:

☐ A conviction

☒ Parole

☐ A sentence

☐ Credits

☐ Jail or prison conditions

☐ Prison discipline

☒ Other (specify) Illegal denial of Parole Suitability by California Board of Prison Terms.

1. Your name: \_\_\_\_\_
2. Where are you incarcerated? Correctional Training Facility - Soledad
3. Why are you in custody? ☒ Criminal Conviction ☐ Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

12022.5

b. Penal or other code sections: 245A, 12022.5

c. Name and location of sentencing or committing court: Santa Clara County

d. Case number: 75071

e. Date convicted or committed: December 19, 1980

f. Date sentenced: Feb 11, 1981

g. Length of sentence: First Degree Murder (25 Years to Life)

h. When do you expect to be released? At the Minimum Release Date

i. Were you represented by counsel in the trial court? ☒ Yes. ☐ No. If yes, state the attorney's name and address:

4. What was the LAST plea you entered? (check one)

☒ Not guilty ☐ Guilty ☐ Nolo Contendere ☐ Other: \_\_\_\_\_

5. If you pleaded not guilty, what kind of trial did you have?

☒ Jury ☐ Judge without a jury ☐ Submitted on transcript ☐ Awaiting trial

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." *(If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)*

See Attached

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. *If necessary, attach additional pages.* CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel, you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: *who did exactly what to violate your rights at what time (when) or place (where).* *(If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)*

See Attached

b. Supporting cases, rules, or other authority (optional):

*(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)*

See Attached

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☐ Yes. If yes, continue with number 13. ☐ No. If no, skip to number 15.

13. a. (1) Name of court: \_\_\_\_\_

(2) Nature of proceeding (for example, "habeas corpus petition"): \_\_\_\_\_

(3) Issues raised: (a) \_\_\_\_\_

(b) \_\_\_\_\_

(4) Result (Attach order or explain why unavailable): \_\_\_\_\_

(5) Date of decision: \_\_\_\_\_

b. (1) Name of court: \_\_\_\_\_

(2) Nature of proceeding: \_\_\_\_\_

(3) Issues raised: (a) \_\_\_\_\_

(b) \_\_\_\_\_

(4) Result (Attach order or explain why unavailable): \_\_\_\_\_

(5) Date of decision: \_\_\_\_\_

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

\_\_\_\_\_

\_\_\_\_\_

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

There has been no delays

16. Are you presently represented by counsel? ☒ Yes. ☐ No. If yes, state the attorney's name and address, if known:

\_\_\_\_\_

17. Do you have any petition, appeal, or other matter pending in any court? ☐ Yes. ☐ No. If yes, explain:

This Court has original jurisdiction in habeas proceedings

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

\_\_\_\_\_

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 10-24-06

Mr. Bruce Glasgow

(SIGNATURE OF PETITIONER)

1 that the Board set a release date unless Petitioner CURRENTLY  
2 presents a risk of danger to the public. Petitioner submits tht  
3 the representing District Attorney did not provide any new and  
4 /or additional evidence whatsoever that Petitioner was an  
5 unreasonable risk, a danger to the public, or otherwise  
6 unsuitable for parole.

7 Additionally, Petitioner submits that the Board speaks in  
8 meaningless generalities and fails to address the exact nature  
9 of Petitioner's CURRENT character. By not doing so, the Board  
10 violated the intent and spirit Penal Code (hereinafter "PC"), §  
11 3041.5, and In re Ramirez, supra, which dictates that "[T]he  
12 Board NORMALLY set a parole release." (citing Biggs v. Terhune,  
13 et al., supra).

14 The Court in Biggs, supra, held that the Board's continued  
15 use of the crime as a basis for denial of parole violates both  
16 State and Federal due process. For the past three years the  
17 Petitioner has had no occurrence of serious violent  
18 disciplinary action, thus exemplifying himself as a model  
19 prisoner; Petitioner seeks acknowledgement of the facts that  
20 since 2002, there has been thereafter a continuous four (4)  
21 years history free of any disciplinary action and or  
22 occurrence. Petitioner submits that the Board's failure to  
23 uniformly measure his offense and setting his term  
24 proportionately to others similarly situated, and to find him  
25 suitable for parole, violates both State and Federal due  
26 process. Also, the current policy of the Board, which will be  
27 discussed more fully infra, is the setting of a parole date  
28 which is all too often the exception rather than the norm, and

1 thus violates the Petitioner's liberty interest tht is present  
2 in a parole date; In re Rosenkrantz, supra; McQuillion v.  
3 Duncan, supra Biggs v. Terhune, et al., supra. At the  
4 Petitioner's Board hearing, the Board relied SOLELY on the  
5 commitment offense and prior history to justify it's unlawful  
6 finding of unsuitability. Beginning at Ht, pg. 65, the Board  
7 stated: That the commitment offense was carried out in an  
8 especially cruel and callous manner in that the inmate shot and  
9 killed Mr. Ralph Collins and there were three bullet wounds to  
10 the back and two to the back of the head and also a shot into  
11 Patricia Watts who was the inmates niece and she was shot once  
12 in the back. That multiple victims were attacked in the same  
13 incident and one was killed and one was injured and the motive  
14 for the crime was explicable or very trivial in relation to the  
15 offense and on the one hand we have as a result of and  
16 altercation and on the hand we have that there was intentional

17  
18 1. The Court of Appeal in In re George Scott, (2004) 119 Cal. App. 4th 871, reaffirmed the  
19 rationale of the Ramirez and Smith Courts when it declared "...parole is the rule, rather than  
20 the exception, and conviction for second degree murder does not automatically render one  
21 unsuitable. (In re Smith, (2003) 114 Cal. Appl 4th 343, 366). In re Ramirez, supra, 94 Cal.  
22 App. 4th 549...[a]ll violent crimes demonstrates the perpetrator's potential for posing a  
23 grave risk to public safety, yet parole is mandatory for violent felons serving determinate  
24 sentences. Pen Code § 3000, subd. (b)(1).) And the Legislature has clearly expressed its  
25 intent that when murders- who are the grate majority of inmates serving indeterminate  
26 sentences - approach their minimum eligible parole date, the Board 'shall normally set a  
27 parole release date...' (id. at p. 570).

28 2. The Court of Appeal on June 24, 2004, In re George Scott, supra 119 Cal. App. 4th at 887  
fn, 7, also reaffirmed the Legislative Intent of Uniform Terms by stating; "The first two  
sentences of the DSL declare that the purpose of imprisonment or a crime is punishment and  
that '[t]his purpose is best served by terms proportionate to the seriousness of the offense  
with provisions for uniformity in the sentences of offenders committing the same offense  
under similar circumstances. (Pen. code, § 1170, subd. (a)(1).) Nothing in the DSL or its  
legislative history suggests that legislative concern with uniformity was limited to those  
serving determinate terms. Penal Code 3041 shows that this interest does extend to  
individuals such a s [Petitioner] who are serving indeterminate life terms (id., ciating,  
Ramirez, supra, 94 Cal. App. 4th at 559.)



1 motives behind the shooting.

2 In addition, and with regard to the Petitioner's  
3 suitability, the board erred in it's conclusion that Petitioner  
4 was a threat to society and would pose an unreasonable risk of  
5 danger. Petitioner's Psychiatric Reports have been much to the  
6 contrary, and specifically, Dr Reed stated: that you are no  
7 more risk of violence then the average citizen. (See Psych  
8 Evaluation Exhibit "B" attached hereto).

9 Additionally, the Board ignored that Petitioner has been  
10 deemed by the California Department of Corrections a Model  
11 prisoner with A-1-A status, and Not a threat to society, and  
12 further ignored that Petitioner's crime is not "particularly  
13 egregious" by placing Petitioner in a Level II prison setting.

14 Again, In re Norman G. Morrall, supra, the Court concluded "  
15 A refusal to consider the particular circumstances relevant to  
16 an inmate's individual suitability for parole would be contrary  
17 to law." Moreover, the Court in Biggs, supra, addressed the  
18 Board's continued illegal usage of the crime and /or prior  
19 history to justify a denial of parole:

20 "...a continued reliance... on an unchanging factor,  
21 the circumstances of the offense and conduct prior  
22 to imprisonment, runs contrary to the rehabilitative  
23 goals espoused by the prison system and could result  
24 in a due process violation." (Biggs, supra, 334 F. 3d  
25 at 917).

26 In Biggs, supra, the appeal pursuant to his initial  
27 suitability hearing. The Petitioner has now had four (4) Board  
28 hearings and submits that his most recent denial rests solely  
on the commitment offense, and therefore violates both State  
and Federal due process. Most importantly, there is no

1 evidence that the public requires a lengthier period of  
2 incarceration (please refer to PC § 3041 (b)), in relation to  
3 other instances of the same crime (please refer to 3041.5).

4 Petitioner submits understanding and perspective of the  
5 crime is compelled by the Board's own proportionately matrix  
6 (please refer to CCR Division 2, 2403 (c). The matrix scale  
7 and rating of the more common and routine variations of murder  
8 appear to be codification of when a crime of this nature can  
9 be more egregious than average. Petitioner submits that his  
10 crime falls squarely in the matrix [category of "twenty-six"  
11 (26) years. . With post-conviction credits, Petitioner has  
12 exceeded the matrix by more than four (4) years - and without  
13 post conviction credit application, the Petitioner has served  
14 his matrix. The Board fails in any attempt to substantiate  
15 why Petitioner's crime is so heinous as to require that  
16 Petitioner be expected time and time again from the general  
17 rule that a parole date shall normally be set; please see In  
18 re Ramirez, supra, wherein the court:

19 "The Board must weigh the inmate's criminal conduct  
20 not against ordinary social norms, but against other  
21 instances of the same crime or crimes. (Ramirez,  
supra, 94 Cal.App 4th at p. 570).

22 Petitioner's Psychiatric Report evidence, like Biggs supra,  
23 is supportive of release; contrary to the Board's erroneous  
24 and specious findings (please see Exhibit "B"). The Court in  
25 Biggs, addressed the Board's illegal usage of needed therapy  
26 and other illegal reasons to justify a highly illegal denial;  
27 the Court concluded:

1 "The record in this case and the transcript of Biggs  
2 hearing before the Board clearly show that many of  
3 the conclusions and factors relied on by the Board  
4 were devoid of evidentiary basis, (Biggs, supra,  
5 334 F. 3d at p. 915)

6 The Court in Biggs, supra, went on to warn the Board that  
7 while there was "some evidence" to use the crime as a basis  
8 for denial at his initial hearing, the board's continued use  
9 of the crime as a basis for continuous denials would be  
10 violative of Bigg's Federal-due process rights. Petitioner  
11 submits that the Board's sole unage of the initial commitment  
12 offense and/or prior social history, as a continued basis to  
13 deny him a parole date, has violated his 5th and 14th  
14 Amendment rights under the United States Constitution to not  
15 be deprived of his liberty. The Court in Biggs, supra, also  
16 held:

17 "[T]o ensure that a state created parole scheme  
18 serves the public interest purposes of rehabilitation  
19 and deterrence, the Parole Board must be cognizant  
20 not only of the factors required by state statute  
21 to be considered, but also the concepts embodied  
22 in the Constitution requiring due process of law..."  
23 [please see e.g. in Greenholtz, 443 U.S. at 7-8.]."  
24 (Biggs, supra, 334 F.3d at p. 916)

25 "The Parole Board's sole supportable reliance on  
26 the gravity of the offense and conduct prior to  
27 imprisonment to justify denial of Parole  
28 can be initially justified as fulfilling the  
29 requirements set forth by state law. Over time  
30 however, should Biggs continue to demonstrate  
31 exemplary behavior and evidence of rehabilitation,  
32 denying him a parole date simply because of the  
33 nature of his offense and prior conduct would raise  
34 serious questions involving his liberty interest  
35 in parole..." (id).

36 Petitioner also submits that the Board has adopted an anti  
37 and / or no parole policy per se, or a policy of  
38 underinclusion demonstrating a policy of systematic bias;

1 granting parole to approximately 1% (one percent) of the  
2 lifers population, thus violating the legislative intent of  
3 PC § 3041.5, that "... a parole release date shall normally be  
4 set in manner that will provide uniform terms for offenders  
5 with crimes of similar gravity and magnitude..." and,  
6 petitioner's State and Federal due process rights as well  
7 (please refer to In re Ramirez, supra, pg. 565). Petitioner  
8 contends that the evidence, behavior by a quasi-judicial  
9 Board, of policy demonstrating an approximate 98.5% denial  
10 rate, supports the premise that such a policy exists (i.e.,  
11 anti and /or no parole policy, or, a policy of systematic  
12 bias); this policy violates the strictures of substantive due  
13 process.

14 If there is any question as to the meaning and legislative  
15 intent of Penal Code §3041 as discussed above, which  
16 Petitioner asserts that there clearly is not, then Petitioner  
17 is entitled to the interpretation that Penal Code §3041 and 15  
18 CCR §2400 et seq. apply to provide an exception to the  
19 protected liberty interest in a presumption to release on  
20 parole only if support by evidence that Petitioner poses a  
21 threat of future violence if released. On the other hand, if  
22 courts reasonably can so differ in the interpretation of the  
23 statute and regulations at issue, then they must be deemed  
24 overly vague, so as to violate Petitioner's constitutional  
25 right to due process.

26 A. The Some Evidence Relied On to Deny Parole  
27 Must be Relevant And Reliable In Establishing  
28 Current, Unreasonable Threat to Public Safety.

In explaining what the "some evidence" standard meant, the

1 Rosenkrantz court stated that "[o]nly a modicum of evidence  
2 required." Rosenkrantz, 29 Cal. 4th at 677. On its face, this  
3 standard could thus be seen as remarkably broad - that the  
4 barest speck or mote of evidence, no matter its relevance,  
5 reliability, place in the context of other evidence or the  
6 government's assessment of it - would be enough to completely  
7 immunize Executive parole decisions from judicial review.  
8 Such a reading, however, would effectively serve to nullify  
9 the Rosenkrantz court's holding that courts are required to  
10 review the factual basis of an Executive parole decision. An  
11 unpacking of the "some evidence" standard itself - both  
12 conceptually and through a review of the application of this  
13 standard in Rosenkrantz and its progeny - makes clear that  
14 the standard is meaningful. Properly understood, it strikes  
15 an appropriate balance between judicial deference to difficult  
16 Executive decisions and the protection of constitution liberty  
17 interests.

#### 18 CONCLUSION

19 Petitioner did not receive a fair hearing from the Board,  
20 nor will he ever, because the results are predetermined, in  
21 violation of Petitioner's 5th and 14th amendment rights under  
22 the U.S. Constitution. The denial of Petitioner's parole date  
23 is no more than ipse dixit a sham. Petitioner did not receive  
24 the "individualized consideration" to which is  
25 constitutionally entitled. In re George Scott,  
26 (Cal.App.1st.Dist) June 24, 2004, 119 Cal.App.4th. 871, 899.

27 The court must order Petitioner discharged and or released  
28 or at the very least a decision within ten (10) days granting

1 Petitioner parole, setting his term "uniformly" as mandated by  
2 the Legislature.

3 PRAYER FOR RELIEF

- 4 1. Issue an Order To Show Cause on an expedited basis;
- 5 2. Appoint Counsel;
- 6 3. Order Discovery;
- 7 4. Conduct an Evidentiary Hearing;
- 8 5. Order Petitioner's appearance before the court;
- 9 6. Order Petitioner discharged, or in the laternative  
10 order petitioner by given a parole date, then released on  
11 parole,
- 12 7. Issue an Order for Declatory Relief
- 13 8. Issue an Order for Injunctive Relief;
- 14 9. Any other relief this court deems fair, just and  
15 appropriate.

8. Did you appeal from the conviction, sentence, or commitment? ☐ Yes. ☐ No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

b. Result: \_\_\_\_\_ c. Date of decision: \_\_\_\_\_

d. Case number or citation of opinion, if known: \_\_\_\_\_

e. Issues raised: (1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

f. Were you represented by counsel on appeal? ☐ Yes. ☐ No. If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? ☐ Yes. ☐ No. If yes, give the following information:

a. Result: \_\_\_\_\_ b. Date of decision: \_\_\_\_\_

c. Case number or citation of opinion, if known: \_\_\_\_\_

d. Issues raised: (1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

The Board of Parole Hearings has eliminated the BPH Appeals Unit process and no longer allows the filing of Administrative Appeals of BPH denials of parole for indeterminately sentenced prisoners such as myself.


There is No longer an administrative remedy, therefore exhaustion is impossible.

b. Did you seek the highest level of administrative review available? ☐ Yes. ☐ No.

Attach documents that show you have exhausted your administrative remedies.

FILED

SEP 13 2006

KIRI TORRE  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara  
BY  DEPUTY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

In re

BRICE GLASGOW,

On Habeas Corpus

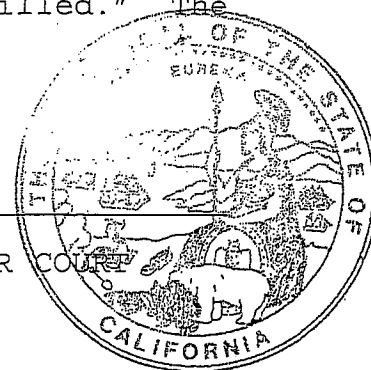
No.: 75071

ORDER

Pursuant to *In re Dannenberg* (2005) 34 Cal.4th 1061 parole can be denied if any one of several broadly interpreted, and extremely deferentially reviewed, unsuitability factors are present. In this case "multiple victims were attacked, injured or killed." The habeas petition is DENIED.


DATED: 13 Sep, 2006

  
PAUL BERNAL  
JUDGE OF THE SUPERIOR COURT



cc.: Petitioner  
Attorney General  
Research (A)  
CJIC

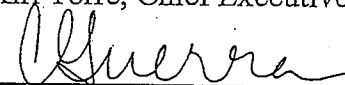


IN THE SUPERIOR COURT OF CALIFORNIA IN AND FOR THE COUNTY OF SANTA CLARA		<b>FILED</b> SEP 13 2006 KIRI TORRE Chief Executive Officer/Clerk Superior Court of CA County of Santa Clara BY  DEPUTY
Plaintiff/Petitioner Brice Glasgow		
In re: People vs. Glasgow		
PROOF OF SERVICE OF: Order in re: Habeas Corpus		Case Number: 75071

CLERK'S CERTIFICATE OF MAILING: I certify that I am not a party to this cause and that a true copy of this document was mailed first class postage fully prepaid in a sealed envelope addressed as shown below and the document was mailed at SAN JOSE, CALIFORNIA on SEP 13 2006. I declare under penalty of perjury that the foregoing is true and correct.

DATED: SEP 13 2006

Kiri Torre, Chief Executive Officer

  
 BY: Catherine Guerra, Deputy Clerk

Brice Glasgow #C-26529 P.O. Box 689 Soledad, CA 93960-0689	Research Attorney Criminal Division 190 W. Hedding Street San Jose, CA 95110 *Placed in Research Attorney pick up box at HOJ
	Office of the District Attorney 70 West Hedding Street San Jose, CA 95110 *Placed in District Attorney pick up box at HOJ
	CJIC

THE BOARD OF PRISON TERMS ILLEGALLY USED PENAL CODE SECTION 3041 (b) [THE EXCEPTION] TO FIND PETITIONER UNSUITABLE FOR PAROLE. THE DECISION WAS ARBITRARY AND CAPRICIOUS, INDIRECT VIOLATION OF PETITIONER'S STATE AND FEDERAL DUE PROCESS RIGHTS. THERE IS NOT A MODICUM OF EVIDENCE THAT PETITIONER IS A CURRENT THREAT TO SOCIETY OR UNSUITABLE FOR PAROLE.

On November 2, 2005, Petitioner Brice Glasgow, (hereinafter "Petitioner"), was provided a Life Term Parole Consideration Hearing before the Board of Parole Hearings (hereinafter "Board"; please refer to Exhibit "A", which is the Hearing Transcript, hereinafter "HT".) Said Board hearing was petitioner's fourth (4th) parole suitability hearing. Petitioner's minimum eligible release date was March 18th, 1998.<sup>1</sup> The purpose of this Board hearing was for the setting of Petitioner's term uniformly<sup>2</sup> to his offense and for a finding of suitability for parole (please See Penal Code § 3041.5; In re Edward Ramirez 94 Cal. Appl 4th 541 (2001); McQuillion v. Duncan, (9th Cir.) 306 F. 3d 895 In re Norman G. Morrall, (2002) 102 Cal. App. 4th 280; In re Rosenkrantz, (2002) 29 Cal. 4th 660; In re Mark Smith (2003) Cal. App 4th 343 and Biggs v. Terhume, (2003 9th Cir.) 334 F. 3d 910.

The consequent result of this Board hearing was an erroneous and unlawful finding of unsuitability and a release date was not set; Petitioner was given a one (1) year denial and did not appeal this decision through the Administrative remedy because the Board of Parole Hearing has eliminated the Appeal Unit and no longer allows for the filing of administrative appeals on BHp denials of parole for indeterminately sentenced prisoners such as myself. Petitioner submits that the Board's regulation, that is the California Code of Regulations (hereinafter "CCR") § 2402 (a). DEMANDS



**EXHIBIT "A"**



SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life )  
Term Parole Consideration )  
Hearing of: )

CDC Number C-26529

BRICE GLASGOW )  
\_\_\_\_\_)

**INMATE  
COPY**

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

NOVEMBER 2, 2005

8:45 A.M.

PANEL PRESENT:

Ms. Tracey St. Julien, Presiding Commissioner  
Mr. Chuck Wolk, Deputy Commissioner

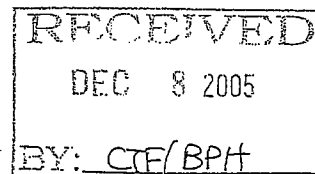
OTHERS PRESENT:

Mr. Brice Glasgow, Inmate  
Mr. Anthony Hall, Attorney for Inmate  
Mr. Ronald Rico, Deputy District Attorney  
Ms. Joyce Nedde, Observer  
Correctional Officers Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____	No	See Review of Hearing
_____	Yes	Transcript Memorandum

Sue Gerdes, Peters Shorthand Reporting



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1                                    P R O C E E D I N G S

2                    DEPUTY COMMISSIONER WOLK:    We're on  
3 record.

4                    PRESIDING COMMISSIONER ST. JULIEN:    It's  
5 8:45 A.M. and this is a Subsequent Parole  
6 Hearing for Brice Glasgow CDC number C-26529.  
7 Today is November 2<sup>nd</sup>, 2005 and we are at the  
8 Correctional Training Facility in Soledad. The  
9 inmate was received on February 19<sup>th</sup>, 1981 for a  
10 life term starting date (indiscernible) 17<sup>th</sup>,  
11 1983 from the County of Santa Clara case number  
12 75071 count one Penal Code section violation 187  
13 murder first, count two assault with a deadly  
14 weapon Penal Code section 245A, count two as  
15 well, use of a firearm, Penal Code section  
16 violation 12022.5 and inmates are all from the  
17 County of Santa Clara case number 75079. The  
18 inmate received a term of 25 years to life plus  
19 five years. First eligible parole date March  
20 18<sup>th</sup>, 1998. Is that correct?

21                    INMATE GLASGOW:    (indiscernible)

22                    PRESIDING COMMISSIONER ST. JULIEN:    We  
23 might need to have (indiscernible). We are tape  
24 recording the hearing so we are going to go  
25 around the room and introduce our selves. We  
26 will say our first and last name, spell our last  
27 name and if you could also state your CDC number

1 after you spell your last name. My name is  
2 Tracey St. Julien S-T capital J-U-L-I-E-N  
3 Commissioner.

4 DEPUTY COMMISSIONER WOLK: Chuck Wolk W-  
5 O-L-K Deputy Commissioner.

6 ATTORNEY HALL: Anthony Hall H-A-L-L  
7 attorney for Mr. Glasgow.

8 INMATE GLASGOW: Glasgow C-26529 G-L-A-  
9 S-G-O-W.

10 PRESIDING COMMISSIONER ST. JULIEN: Your  
11 first name.

12 INMATE GLASGOW: Brice B-R-I-C-E.

13 PRESIDING COMMISSIONER ST. JULIEN: Mr.  
14 Rico.

15 DEPUTY DISTRICT ATTORNEY RICO: Thank you  
16 Commissioner. Ronald Rico R-I-C-O Deputy  
17 District Attorney for Santa Clara County. And I  
18 have a second individual in the room. The  
19 former trial prosecutor in the case who is here  
20 as an observer only. I will let the identify  
21 herself.

22 MS. NEDDE: My name is Joyce Nedde N-E-D-  
23 D-E.

24 PRESIDING COMMISSIONER ST. JULIEN: And  
25 we also have two correctional officers in the  
26 room who are here for security purposes. And  
27 Mr. Glasgow, that form in front of you that

1 addresses your ADA rights I need you to please  
2 read that aloud and then I am going to ask you  
3 some questions about what you have read.

4 INMATE GLASGOW: The Americans with  
5 Disabilities Act, AFA, is a law to help people  
6 with disabilities. Disabilities are problems  
7 that make it harder for some people to see,  
8 hear, breathe, talk, walk, learn, think, work or  
9 take care of them selves than it is for others.  
10 No one can be kept out of public places or  
11 activities because of a disability. If you have  
12 a disability you have the right to ask for help  
13 to get ready for your court or parole hearing  
14 and BPT hearing. To get to the hearing, talk,  
15 read forms and papers and understand the hearing  
16 process. The BPT will look at what you ask for  
17 to make sure that you have a disability that is  
18 covered by the ADA and that you have asked for  
19 the right kind of help. If you do not get help  
20 or if you don't think you got the kind of help  
21 you need, ask for a BPT 1074 grievance form.  
22 You can also get help to fill it out.

23 PRESIDING COMMISSIONER ST. JULIEN: Okay.  
24 I note that on May 3<sup>rd</sup>, 2004 you signed a BPT  
25 form 1073 indicating that you do not have  
26 disabilities, is that still correct?

27 INMATE GLASGOW: What it is I have a



1 bladder infection and I was concerned  
2 (indiscernible) an enlargement in my lower  
3 (indiscernible) just an infection.  
4 (indiscernible).

5 PRESIDING COMMISSIONER ST. JULIEN: Are  
6 you taking antibiotics?

7 INMATE GLASGOW: Yes I did.

8 PRESIDING COMMISSIONER ST. JULIEN: You  
9 said that you are currently taking medication.  
10 What are you currently taking?

11 INMATE GLASGOW: (indiscernible)

12 PRESIDING COMMISSIONER ST. JULIEN:  
13 Probably and antibiotic. And is that medication  
14 giving you any side affects?

15 INMATE GLASGOW: Dries me up.

16 PRESIDING COMMISSIONER ST. JULIEN: Okay,  
17 makes you thirsty. Is that uncomfortable enough  
18 that you can't participate in the hearing today?

19 INMATE GLASGOW: No.

20 PRESIDING COMMISSIONER ST. JULIEN: Now I  
21 noticed that you are wearing glasses, with those  
22 glasses on, eyeglasses, can you see around the  
23 room clearly?

24 INMATE GLASGOW: Yes.

25 PRESIDING COMMISSIONER ST. JULIEN: Okay,  
26 and you can read?

27 INMATE GLASGOW: Yes.

1           PRESIDING COMMISSIONER ST. JULIEN: And  
2 you can see the (indiscernible).

3           INMATE GLASGOW: Yes Ma'am.

4           PRESIDING COMMISSIONER ST. JULIEN: Do  
5 you have any hearing impairments?

6           INMATE GLASGOW: No.

7           PRESIDING COMMISSIONER ST. JULIEN:  
8 (indiscernible).

9           ATTORNEY HALL: It has to do with his  
10 medical condition. In the 1073 he mentioned he  
11 has frequent (indiscernible).

12          PRESIDING COMMISSIONER ST. JULIEN: And  
13 that's (indiscernible). If you feel the need  
14 that you need to be excused for a few minutes or  
15 whatever while we are at the hearing today you  
16 can just ask and we can take a recess. Okay?

17          INMATE GLASGOW: Yes Ma'am.

18          PRESIDING COMMISSIONER ST. JULIEN: And  
19 do you know what the Triple CMS and the EOP  
20 programs are?

21          INMATE GLASGOW: I think it has something  
22 to do with mental health.

23          PRESIDING COMMISSIONER ST. JULIEN: Yes  
24 exactly. They are the mental health services  
25 programs that the department offers. Have you  
26 ever been a part of those programs?

27          INMATE GLASGOW: No Ma'am.

1           PRESIDING COMMISSIONER ST. JULIEN: And  
2 have you ever taken any psychotropic  
3 medications?

4           INMATE GLASGOW: No.

5           PRESIDING COMMISSIONER ST. JULIEN: And  
6 you did mention that you are on medicines now  
7 for bladder issues. Are you taking any other  
8 medications?

9           INMATE GLASGOW: Hyper tension  
10 (indiscernible).

11           PRESIDING COMMISSIONER ST. JULIEN: And  
12 again, do the medications that you are taking  
13 for that condition will they cause you not to be  
14 able to participate in the hearing today?

15           INMATE GLASGOW: No.

16           PRESIDING COMMISSIONER ST. JULIEN: And  
17 Mr. Hall, are you satisfied that your client's  
18 ADA rights have met?

19           ATTORNEY HALL: Yes I do.

20           PRESIDING COMMISSIONER ST. JULIEN: I am  
21 going to go ahead then and give you an outline  
22 of the hearing procedure today. And I will note  
23 that you (indiscernible) ADA issues that you do  
24 have your GED.

25           INMATE GLASGOW: Yes.

26           PRESIDING COMMISSIONER ST. JULIEN: You  
27 didn't have any problem (indiscernible). We are

1 conducting the hearing pursuant to Penal Code  
2 sections 3041 and 3042 of the rules and  
3 regulations of the Board of Parole Hearings  
4 governing parole consideration hearings for life  
5 inmates. The purpose of the hearing today is to  
6 consider your suitability for parole. We will  
7 reach a decision today and inform you whether or  
8 not we find you suitable or the reasons for that  
9 decision. If you are found suitable for parole  
10 the length of your confinement will be explained  
11 to you. The hearing will be conducted in two  
12 parts. First I am going to discuss the number  
13 and the nature of crimes you were committed for,  
14 your prior criminal and social history and your  
15 parole plans and letters of support or  
16 opposition that you may have. Then Commission  
17 Wolk will discuss with you your behavior and  
18 programming history as well as your  
19 psychological evaluations and counselors  
20 reports. When that is done the District  
21 Attorney and your attorney will be able to ask  
22 you questions and then the District Attorney  
23 actually asks the questions to the panel and you  
24 answer in turn to us. And then the District  
25 Attorney, your attorney and you will be given an  
26 opportunity to make a final statement as to your  
27 suitability. We will recess to deliberate and

1 when we reach a decision we will reconvene the  
2 hearing and announce our decision. The  
3 California Code of Regulations state that  
4 regardless of time served, a life inmate shall  
5 be found unsuitable for and denied parole if in  
6 the judgment of the panel the inmate still pose  
7 an unreasonable risk of danger to society if  
8 released from prison. You also have certain  
9 rights. Those rights include the right to a  
10 timely notice of this hearing, the right to  
11 review your Central File, and the right to  
12 present relevant documents. Mr. Hall, have you  
13 client's rights been met?

14 ATTORNEY HALL: Yes they have.

15 PRESIDING COMMISSIONER ST. JULIEN: You  
16 also have the right to be heard by an impartial  
17 panel. Do you have any objections to today's  
18 panel?

19 INMATE GLASGOW: No Ma'am.

20 PRESIDING COMMISSIONER ST. JULIEN: Mr.  
21 Hall?

22 ATTORNEY HALL: No objections.

23 PRESIDING COMMISSIONER ST. JULIEN: You  
24 will receive a copy of our written tentative  
25 decision today and that decision is subject to  
26 review by the decision review unit and the  
27 entire board meeting as a whole. That decision

1 becomes effective within 120 days. In the  
2 future you will receive a copy of that decision  
3 and a copy of the transcripts once they are  
4 transcribed. The board no longer has an appeals  
5 process. So if you have any objections or  
6 complaints about anything that happens here  
7 today you need to file those directly to the  
8 court. You can find information on how going  
9 about doing that in the prison law library.  
10 (indiscernible) Administrative Appeals  
11 Correspondence and Grievances Concerning BPT  
12 Hearings. You are not required to admit your  
13 offense or discuss your offense if you do not  
14 wish to do so. However, we accept as truth the  
15 findings of the court. We invite you to discuss  
16 the facts and circumstances of the crime if you  
17 wish. We will consider and review any prior  
18 statements you've made regarding your offense in  
19 determining your suitability for parole.  
20 Commissioner Wolk, is there confidential  
21 information?

22 DEPUTY COMMISSIONER WOLK: Not that we  
23 will be using today.

24 PRESIDING COMMISSIONER ST. JULIEN:  
25 Earlier I passed a checklist marked exhibit one  
26 to your attorney and I note that I received it  
27 back. Are all of those documents in order?

1 ATTORNEY HALL: Yes we have those.

2 PRESIDING COMMISSIONER ST. JULIEN: And  
3 Mr. Rico I am looking at a hearing checklist  
4 that has gone by, it looks like the name on here  
5 is Villego V-I-L-L-E-G-O and it's dated maybe  
6 9/27/05.

7 DEPUTY DISTRICT ATTORNEY RICO: I have  
8 that same checklist and those documents and I am  
9 prepared to --

10 PRESIDING COMMISSIONER ST. JULIEN: Okay  
11 thank you. Do you have any additional  
12 documents?

13 ATTORNEY HALL: Yes Commissioner we have  
14 a chrono and a checklist and a couple other  
15 documents.

16 PRESIDING COMMISSIONER ST. JULIEN: One  
17 of the officers will -- And do you have any  
18 preliminary objections?

19 DEPUTY DISTRICT ATTORNEY RICO: There  
20 isn't any.

21 PRESIDING COMMISSIONER ST. JULIEN: Thank  
22 you. And will Mr. Glasgow be speaking with us  
23 today?

24 ATTORNEY HALL: Yes he will.

25 PRESIDING COMMISSIONER ST. JULIEN: Mr.  
26 Glasgow I need you to get an oath. Do you  
27 solemnly swear or affirm that the testimony you

1 give at this hearing will be the truth, the  
2 whole truth and nothing but the truth?

3 INMATE GLASGOW: Yes Ma'am.

4 PRESIDING COMMISSIONER ST. JULIEN: Okay.  
5 I am going to go ahead then and read the summary  
6 of the crime as it appears in the February 2003  
7 board report. And that report was prepared by  
8 Correction Counselor (indiscernible) last name  
9 Minor M-I-N-E-R and approved by the  
10 classification (indiscernible). It states that  
11 on March 4<sup>th</sup>, 1980 the Palo Alto police  
12 department officers responded to the report of a  
13 shooting. On arrival at the scene, the officers  
14 observed the victim (indiscernible) Collins on  
15 the floor of the bedroom. Victim Collins had  
16 been shot several times (indiscernible). No  
17 vital signs were detected and the Palo Alto  
18 paramedics were (indiscernible). At this time  
19 the investigating officers made contact with the  
20 victim Patricia Watts (indiscernible) who was  
21 sitting on a fold out bed (indiscernible)  
22 apartment. Watts had suffered a gunshot wound  
23 to her back. Watts explained that at  
24 approximately five A.M. she heard a knock on the  
25 door and observed the defendant (indiscernible)  
26 inmate in front of the apartment. She indicated  
27 that she would not open the door at that time



1 and returning to bed she remained that way until  
2 morning. The defendant returned and she allowed  
3 him to enter the apartment. She indicated that  
4 he sat in the living room for approximately ten  
5 minutes and played with her daughter.  
6 (indiscernible) bathroom in the hallway of the  
7 apartment and during this time she heard a knock  
8 at the back door. The defendant then allowed  
9 Edmond Duhart D-U-H-A-R-T to enter the  
10 apartment. Watts explained the defendant then  
11 began walking toward the hallway and she  
12 observed that he had a gun in his hand. She  
13 indicated that she ran to the bedroom and  
14 attempted to arouse Collins however the  
15 defendant was at the door to the bedroom and  
16 attempted to get in. She related that the  
17 defendant pushed his way into the bedroom and  
18 during the ensuing struggle the defendant was  
19 firing (indiscernible) at Collins and as she  
20 attempted to protect the victim she was also  
21 wounded. Victim Watts relayed that during this  
22 time that she was in bedroom, the defendant call  
23 for Duhart to come into the room and remove  
24 victim Watts indicating that he tried to pull  
25 her off victim Collins while the defendant was  
26 still shooting at the victim. She indicated  
27 that the defendant fired several shots from the

1 weapon (indiscernible). She then related that  
2 defendant Duhart then left the apartment. So  
3 apparently your (indiscernible) so we will have  
4 to (indiscernible).

5 DEPUTY COMMISSIONER WOLK: We are back on  
6 record.

7 PRESIDING COMMISSIONER ST. JULIEN: There  
8 seems to be some discrepancies between your  
9 version of what happened that day and what's on  
10 the record here in terms of Ms. Watts and her  
11 testimony. Do you recall that?

12 INMATE GLASGOW: Ya, I am not sure what  
13 the Commissioner is mentioning.

14 PRESIDING COMMISSIONER ST. JULIEN: Well  
15 the prior transcripts you mentioned that Ms.  
16 Watts was subsequently convicted of perjury for  
17 giving false testimony in your case.

18 INMATE GLASGOW: Yes.

19 PRESIDING COMMISSIONER ST. JULIEN: So  
20 did you shoot Mr. Collins?

21 INMATE GLASGOW: Yes, yes I did.

22 PRESIDING COMMISSIONER ST. JULIEN: And  
23 did you shoot him when he was unarmed?

24 INMATE GLASGOW: I believe he was armed.  
25 This is what the discrepancy is.

4 26 PRESIDING COMMISSIONER ST. JULIEN: So  
27 why don't you tell us what happened.

1 INMATE GLASGOW: He came to the door and  
2 he had somethin in his hand (indiscernible) bein  
3 fired (indiscernible) and we was fighten and she  
4 was pulling on it.

5 PRESIDING COMMISSIONER ST. JULIEN: So it  
6 was the three of you correct?

7 INMATE GLASGOW: Ya.

8 PRESIDING COMMISSIONER ST. JULIEN: Mr.  
9 Collins, Ms. Watts, and yourself?

10 INMATE GLASGOW: Yes Ma'am.

11 PRESIDING COMMISSIONER ST. JULIEN: And  
12 whose gun was it?

13 INMATE GLASGOW: It was my gun.

14 PRESIDING COMMISSIONER ST. JULIEN: And  
15 did you bring it to the house with you?

16 INMATE GLASGOW: Yes Ma'am.

17 PRESIDING COMMISSIONER ST. JULIEN: And  
18 how did they know that you had a gun?

19 INMATE GLASGOW: They didn't know, until  
20 after was bein fired.

21 PRESIDING COMMISSIONER ST. JULIEN: So  
22 you all just kind of got in a fight?

23 INMATE GLASGOW: No, when I went to open  
24 the door for Mr. Dunhart evidentially she woke  
25 Mr. Collins up. I was in the bathroom and  
26 that's when we started fighten.

27 PRESIDING COMMISSIONER ST. JULIEN: So

1 you came out of the bathroom then did Mr.  
2 Collins approach you at start physically  
3 fighting with you?

4 INMATE GLASGOW: He had somethin in his  
5 had.

6 PRESIDING COMMISSIONER ST. JULIEN: Do  
7 you know what that was?

8 INMATE GLASGOW: I thought it was a gun,  
9 maybe it was a gun. But I was afraid of it and  
10 the fear might a took over. But I did shoot  
11 him.

12 PRESIDING COMMISSIONER ST. JULIEN: How  
13 many times did you shoot him?

14 INMATE GLASGOW: I don't know nothin  
15 about nothin.

16 PRESIDING COMMISSIONER ST. JULIEN: Do  
17 you remember how Ms. Watts got shot?

18 INMATE GLASGOW: No I don't. I didn't  
19 know she been shot.

20 PRESIDING COMMISSIONER ST. JULIEN: So  
21 were there just bullets going off?

22 INMATE GLASGOW: She was jerking on his  
23 arm and all three of us was fighten. It's hard  
24 for me to describe but I was afraid and I don't  
25 think she intentionally lied. I think she was  
26 hollering and screaming. I know I was afraid of  
27 I had contact with this man before.

1           PRESIDING COMMISSIONER ST. JULIEN: So  
2 you were afraid of him, did he live there? Did  
3 he live with Ms. Watts?

4           INMATE GLASGOW: No, they just  
5 occasionally stayed together.

6           PRESIDING COMMISSIONER ST. JULIEN: Did  
7 you know that he was there?

8           INMATE GLASGOW: No.

9           PRESIDING COMMISSIONER ST. JULIEN: So  
10 when you went to Ms. Watts' apartment and you  
11 spent some time with her child and all that you  
12 didn't know that Collins' was there?

13          INMATE GLASGOW: No.

14          DEPUTY COMMISSIONER WOLK: What were you  
15 doing there?

16          INMATE GLASGOW: I just stopped there to  
17 see my niece. I heard she was havin trouble.

18          DEPUTY COMMISSIONER WOLK: The girl that  
19 you were talking with in the living room was  
20 your niece?

21          INMATE GLASGOW: Yes, it my gran --

22          PRESIDING COMMISSIONER ST. JULIEN: So do  
23 remember pulling the trigger?

24          INMATE GLASGOW: I had my hand on the  
25 trigger and she was pulling the gun.

26          PRESIDING COMMISSIONER ST. JULIEN: The  
27 gun was fired several times.

1 INMATE GLASGOW: Ya but I never did stand  
2 back and fire all them in his body or anything  
3 that the crime say. She was hollering and  
4 screaming and pulling on the gun.

5 PRESIDING COMMISSIONER ST. JULIEN: So  
6 how do you feel about this crime now?

7 INMATE GLASGOW: I feel like I am  
8 responsible for it and I sorry it had to happen.  
9 It affected me and it affected my family and it  
10 affected his family. And I know that they  
11 suffer from it and so have I. If I could redo  
12 it again I would do it much different.

13 PRESIDING COMMISSIONER ST. JULIEN: And  
14 how would you redo it?

15 INMATE GLASGOW: I would take the chance  
16 in turning myself over to the care of God and I  
17 wouldn't leave the scene like I did.

18 PRESIDING COMMISSIONER ST. JULIEN: And  
19 why do you think that you left?

20 INMATE GLASGOW: I was afraid. Fear took  
21 over and I was afraid. I did shoot the man and  
22 I proves I was (indiscernible).

23 PRESIDING COMMISSIONER ST. JULIEN: In  
24 some of letters from law enforcement following  
25 your arrest it said that you didn't show any  
26 remorse about shooting Mr. Collins and Ms.  
27 Watts. Do you remember that? That you didn't

1 show that you were sorry for killing Mr.  
2 Collins?

3 INMATE GLASGOW: It was murder, I killed  
4 a man I am sorry. That's my family. I love my  
5 niece. I (indiscernible) that's why I stopped.

6 DEPUTY COMMISSIONER WOLK: Why were you  
7 carrying a gun?

8 INMATE GLASGOW: Palo Alto is a very bad  
9 place. When I go there, I been jumped before I  
10 been a couple of times. It's a bad place and  
11 they have a lot of after hours (indiscernible).

12 PRESIDING COMMISSIONER ST. JULIEN: Up  
13 until that shooting you were in trouble a lot.

14 INMATE GLASGOW: Yes.

15 PRESIDING COMMISSIONER ST. JULIEN: I  
16 have over 82 arrests. That is a huge, huge  
17 extensive arrest record. Can you explain that?

18 INMATE GLASGOW: I (indiscernible).

19 PRESIDING COMMISSIONER ST. JULIEN: A lot  
20 of burglaries, forgery, carrying concealed  
21 weapons, battery. So what kind of life were you  
22 leading?

23 INMATE GLASGOW: Terrible life Ma'am.

24 PRESIDING COMMISSIONER ST. JULIEN: And  
25 then that we have that you had a heroine  
26 addiction for over 23 years?

27 INMATE GLASGOW: Yes, that's part of the

1 reason.

2 PRESIDING COMMISSIONER ST. JULIEN: So  
3 did you become addicted to heroine?

4 INMATE GLASGOW: Living (indiscernible).

5 PRESIDING COMMISSIONER ST. JULIEN: But  
6 there are -- how many other people did you know  
7 from the same environment and the same  
8 conditions that became addicted to heroine?

9 INMATE GLASGOW: All my associates.

10 PRESIDING COMMISSIONER ST. JULIEN: What  
11 about member's or your family?

12 INMATE GLASGOW: No.

13 PRESIDING COMMISSIONER ST. JULIEN: So  
14 what made you different from them?

15 INMATE GLASGOW: I guess the time and  
16 era.

17 PRESIDING COMMISSIONER ST. JULIEN: What  
18 do you think was in your character or your  
19 personality or your life that led you to become  
20 addicted to heroine and do all these crimes  
21 other than the conditions that you were living  
22 in?

23 INMATE GLASGOW: Well my association in a  
24 count of (indiscernible) hanging around  
25 different kinds of people. When I was young I  
26 didn't have a father figure. So I thought about  
27 that and that the only reason I can come up



1 with.

2 PRESIDING COMMISSIONER ST. JULIEN: But  
3 do you think that there are other people who  
4 were in your same situation and who didn't lead  
5 this kind of life of extensive heroine use as  
6 well as having such a long criminal history?  
7 What was in you? Do you know what was in your  
8 personality?

9 INMATE GLASGOW: I was rebellious  
10 (indiscernible).

11 PRESIDING COMMISSIONER ST. JULIEN: And  
12 rebellious toward what?

13 INMATE GLASGOW: I was rebellious toward  
14 (indiscernible) my mother gave me and rebellious  
15 toward authority.

16 PRESIDING COMMISSIONER ST. JULIEN: So  
17 why was it difficult for you to want to accept  
18 authority?

19 INMATE GLASGOW: Well I just kept  
20 rebelling when I was young. (indiscernible)

21 PRESIDING COMMISSIONER ST. JULIEN: So is  
22 going in and out of jail and using heroine, is  
23 that an easy life?

24 INMATE GLASGOW: It was very hard.

25 PRESIDING COMMISSIONER ST. JULIEN: I  
26 note that you had gone to recovery centers  
27 periodically but apparently they didn't seem to

1 work for you. So it was a hard life and you did  
2 seek out help every now and then. What do you  
3 think still made you pursue this path?

4 INMATE GLASGOW: I didn't accept, I  
5 thought about that to. I didn't accept God in  
6 my life then. To follow in his steps I have  
7 accepted God in my life now.

8 PRESIDING COMMISSIONER ST. JULIEN: What  
9 do you think took you so long?

10 INMATE GLASGOW: Well the drugs probably  
11 was strong and just kept me going back and  
12 forth. I know it wasn't right and I know it  
13 wasn't helpful and I continue to seek some kind  
14 of help.

15 PRESIDING COMMISSIONER ST. JULIEN: With  
16 this very, very long history of criminal drug  
17 problems with drug use, why should we think that  
18 you are different today?

19 INMATE GLASGOW: I think I learned my  
20 lesson. I think I have matured. I think that I  
21 ready to accept responsibility.

22 PRESIDING COMMISSIONER ST. JULIEN: How  
23 old were you when this crime was committed, when  
24 Mr. Collins was shot?

25 INMATE GLASGOW: 26 years ago, 1980.

26 PRESIDING COMMISSIONER ST. JULIEN: So  
27 how old were you then?

1 INMATE GLASGOW: Maybe 38.

2 PRESIDING COMMISSIONER ST. JULIEN: So  
3 that's -- you lived pretty much half your life  
4 on the wrong track.

5 INMATE GLASGOW: Yes Ma'am, I know it. I  
6 don't have very many years left and I want to do  
7 it right.

8 PRESIDING COMMISSIONER ST. JULIEN: So  
9 when you were on the outside and you working,  
10 you were a construction laborer and a master  
11 barber?

12 INMATE GLASGOW: Yes Ma'am.

13 PRESIDING COMMISSIONER ST. JULIEN: And  
14 at the time of this crime you were married to  
15 Yvette and you have one child. Was it a boy or  
16 a girl?

17 INMATE GLASGOW: Girl.

18 PRESIDING COMMISSIONER ST. JULIEN: Is it  
19 --

20 INMATE GLASGOW: Abidania.

21 PRESIDING COMMISSIONER ST. JULIEN:  
22 Abidania. And how is she doing now?

23 INMATE GLASGOW: She very  
24 (indiscernible). She lives in Santa Clara  
25 County.

4 26 PRESIDING COMMISSIONER ST. JULIEN: And  
27 are you currently married?

1 INMATE GLASGOW: Yes Ma'am.

2 PRESIDING COMMISSIONER ST. JULIEN: And  
3 is that still to Yvette?

4 INMATE GLASGOW: No Ma'am. I am married  
5 to Diane in Stockton.

6 DEPUTY COMMISSIONER WOLK: You just got  
7 married didn't you, couple years ago?

8 INMATE GLASGOW: Couple years ago. Yes  
9 Sir.

10 PRESIDING COMMISSIONER ST. JULIEN: And  
11 how did you meet Diane?

12 INMATE GLASGOW: I've known her for  
13 awhile, since 1963.

14 PRESIDING COMMISSIONER ST. JULIEN: And  
15 if you were paroled you would choose to live  
16 with Diane?

17 INMATE GLASGOW: Yes Ma'am.

18 PRESIDING COMMISSIONER ST. JULIEN: She  
19 lives in Stockton?

20 INMATE GLASGOW: Yes Ma'am.

21 PRESIDING COMMISSIONER ST. JULIEN: If  
22 you couldn't go to Stockton and you lived with  
23 your brother in law Louis in San Jose?

24 INMATE GLASGOW: Yes Ma'am.

25 PRESIDING COMMISSIONER ST. JULIEN: And  
26 in terms of employment you would work at Big  
27 Ed's Furniture and that is in Stockton? And the

1 owner of Big Ed's is Edward Smith and he is  
2 married to your grand daughter?

3 INMATE GLASGOW: Yes Ma'am.

4 PRESIDING COMMISSIONER ST. JULIEN: And  
5 then you also have a job offer from Irving  
6 Goodwin and he has a non-profit organization in  
7 Menlo Park, (indiscernible) County. Then it  
8 notes that you also have your sponsor? Is that  
9 in NA or AA sponsor?

10 INMATE GLASGOW: NA.

11 PRESIDING COMMISSIONER ST. JULIEN:  
12 (indiscernible) Sponsor is your step daughter.

13 INMATE GLASGOW: Yes Ma'am.

14 PRESIDING COMMISSIONER ST. JULIEN: And  
15 then apparently you have written a letter of  
16 remorse to the families of the victims.

17 INMATE GLASGOW: Three times.

18 PRESIDING COMMISSIONER ST. JULIEN: And  
19 what happened to Patricia Watts? She changed to  
20 another last name now right?

21 INMATE GLASGOW: She is deceased.

22 PRESIDING COMMISSIONER ST. JULIEN: Oh  
23 she died?

24 INMATE GLASGOW: Yes Ma'am.

25 PRESIDING COMMISSIONER ST. JULIEN: Of  
26 what?

27 INMATE GLASGOW: I am not certain.

1           PRESIDING COMMISSIONER ST. JULIEN: Do  
2 you know how long ago she died?

3           INMATE GLASGOW: About six years prior to  
4 this hearing.

5           PRESIDING COMMISSIONER ST. JULIEN: So  
6 for your support letters, you have a petition  
7 that was done on your behalf and I think that  
8 your wife Diane had initiated the petition and  
9 on the cover she did reasons why you should be  
10 paroled and these are taken from some  
11 (indiscernible). And she has, I think there are  
12 two pages of the petition. It looks like we  
13 have about 50 signatures.

14          INMATE GLASGOW: Ya.

15          PRESIDING COMMISSIONER ST. JULIEN: A  
16 petition of people who have signed between 2004  
17 and 2005 for you to (indiscernible). That must  
18 be a nice feeling to have that type of support.

19          INMATE GLASGOW: Yes it does.

20          PRESIDING COMMISSIONER ST. JULIEN: And  
21 then we also have a letter from Jay Monteo-Mery,  
22 is this a hyphenated name and the last name is  
23 M-O-N-T-E-O dash M-E-R-Y and she is your great  
24 grand daughter. Is that correct?

25          INMATE GLASGOW: Yes Ma'am.

26          PRESIDING COMMISSIONER ST. JULIEN: She  
27 says that I know that he will be a good grand

1 father. I want him to come home. She is eight  
2 years old. Then we have a letter from the  
3 Veterans Emergency Housing. Now were you a  
4 veteran?

5 INMATE GLASGOW: No Ma'am.

6 PRESIDING COMMISSIONER ST. JULIEN: It's  
7 signed by Irving Goodwin G-O-O-D-W-I-N and he  
8 is the (indiscernible) and I am not sure where  
9 it is. It must be in the --

10 INMATE GLASGOW: Palo Alto.

11 PRESIDING COMMISSIONER ST. JULIEN: And  
12 this is a letter of employment and Mr. Goodwin  
13 says that he is the Chief Executive Officer of a  
14 non-profit organization and I have committed  
15 myself to providing steady employment in the  
16 areas (indiscernible). Mr. Glasgow will be  
17 working Monday through Friday from eight to four  
18 thirty at the rate of eleven dollars an hour  
19 (indiscernible).

20 DEPUTY COMMISSIONER WOLK: Are we still  
21 on record?

22 PRESIDING COMMISSIONER ST. JULIEN: I  
23 think we have to stop.

24 DEPUTY COMMISSIONER WOLK: We are back on  
25 record.

26 PRESIDING COMMISSIONER ST. JULIEN: Okay,  
27 so we are going through the letters here and we

1 have a (indiscernible) they were offering you  
2 employment and then Mr. Goodwin also explained  
3 that he knows that you will have different  
4 restrictions on parole and he is willing to  
5 adjust your work schedule. And then Big Ed, I  
6 think that I read that one already. Then Lloyd  
7 Woods who is your brother in law and he says, my  
8 brother in law Mr. Brice Glasgow has shown an  
9 overwhelming amount of remorse over the crime  
10 which he committed over 20 years ago. While  
11 serving his sentence he has missed out on the  
12 birth of his daughter, he has missed birthdays,  
13 holidays and graduations. Brice (indiscernible)  
14 death of his mother. He has missed out on  
15 spending time with her and his family during her  
16 illness which caused her death. Not being  
17 allowed to take part in the funeral services for  
18 his mother was very important to Brice. We love  
19 Brice and miss him and would love for him to  
20 come home. And then Diann Glasgow and that is  
21 D-I-A-N-N and she is your wife and she lives in  
22 Stockton. She says that we met in 1962 and I  
23 have (indiscernible) for years. I have been a  
24 licensed cosmetologist for 30 years and she has  
25 lived in her current home for 16 years. She  
26 goes on to say, he has my support emotionally  
27 and financially. I will encourage him and



1 assist him as needed which is accompany him to  
2 appointments and provide him transportation  
3 (indiscernible). Brice has always been a very  
4 nice to me and treated me with respect. I feel  
5 that he has learned from his mistakes and will  
6 be a good citizen. (indiscernible) excellent  
7 youth advisor and a faithful member of Second  
8 Baptist Church (indiscernible). And then Denise  
9 Sanders S-A-N-D-E-R-S and she is your step  
10 daughter and she says that she is a licensed by  
11 the board of vocational nurses and psychiatric  
12 technician. A major part of my training was at  
13 Recovery House an alcohol and drug treatment  
14 facility. I am very familiar with the 12 step  
15 alcohol and drug treatment program. And she  
16 says that I am willing to sponsor him upon his  
17 release on parole for the purpose of his  
18 continued sobriety. I have also talked to him  
19 about sharing his experiences with troubled  
20 youth in the community. He has expressed a  
21 sincere desire to become a valuable part of our  
22 community (indiscernible). And then there is a  
23 letter from Jeffry Glasgow and he must be a  
24 relative of yours. How is he related to you?

25 INMATE GLASGOW: My brother's son.

26 PRESIDING COMMISSIONER ST. JULIEN: Okay  
27 your nephew.

1           INMATE GLASGOW:   Yes.

2           PRESIDING COMMISSIONER ST. JULIEN:   He  
3   says dear Brice we have received your letter of  
4   remorse after many meetings and discussion we  
5   have agreed to welcome you back into the family  
6   under certain conditions.   Number one, change  
7   your environment.   I don't know what that means.  
8   Number two find employment.   Number three  
9   continue to be involved with some kind of  
10   sobriety program (indiscernible) parole.   You  
11   have changed into another person and we want you  
12   to keep up the good work.   And then this is a  
13   copy of (indiscernible).   Did I miss any  
14   letters?   Is there anything -- .   We have -- the  
15   board sends out 3042 notices and those are noted  
16   that go to law enforcement and the courts  
17   letting them know that you are having this  
18   parole consideration hearing and we have a  
19   letter here from the Palo Alto police department  
20   and it is signed by Agent Natasha Powers P-O-W-  
21   E-R-S and she is the detective from robbery  
22   homicide and she says actually, she has some  
23   names mixed up here in this letter and but they  
24   are recommending against the parole Vosgow and  
25   she has your name spelled wrong Mr. Vosgow is  
26   convicted of intentionally killing Ralph Collins  
27   and inflicting a gunshot wound to the back of

1 his niece Patricia Watts in March of 1980.

2 DEPUTY DISTRICT ATTORNEY RICO: Sorry to  
3 interrupt but I had faxed to me a copy of a  
4 letter signed by Agent Robert Vonilla from the  
5 police department that may supersede that. Do  
6 you have that?

7 PRESIDING COMMISSIONER ST. JULIEN: Yes I  
8 have it but it came in the late mail and it  
9 doesn't have a date.

10 DEPUTY DISTRICT ATTORNEY RICO: I don't  
11 see a date on it but I just received it and I  
12 note that the former letter was March 28<sup>th</sup> of 05  
13 and I think that the letter that was in the late  
14 mail is the updated letter that may resolve  
15 those issues.

16 PRESIDING COMMISSIONER ST. JULIEN: I'm  
17 sorry.

18 ATTORNEY HALL: What letter is that  
19 Commissioner?

20 PRESIDING COMMISSIONER ST. JULIEN: It's  
21 the very last letter in the updated materials  
22 and it's signed by Agent Robert Vonilla V-O-N-I-  
23 L-L-A.

24 ATTORNEY HALL: It looks like November 2<sup>nd</sup>  
25 which would be today's date. And we would  
26 object to its use at this hearing.

27 PRESIDING COMMISSIONER ST. JULIEN: Both

1 letters I think pretty much contain the same  
2 information. Ms. Powers's letter however has  
3 some errors in it. But like I said before I  
4 think we know the jest of this and Mr. Vonilla's  
5 letter will take into consideration today and we  
6 will make due with Agent Powers letter and she  
7 goes on to recount the particulars of the crime  
8 but she does remark that the detectives who  
9 responded to the case said that Mr. Glasgow was  
10 detached and showed absolutely no emotion. The  
11 detectives that prepared the case commented that  
12 Mr. Glasgow understood the gravity of his  
13 actions and accepted no responsibility for  
14 (indiscernible) and demonstrated no remorse.  
15 And then she goes on to say the shooting of his  
16 niece and the murder of her boyfriend was a  
17 result of Glasgow not liking Collins. Watts  
18 willingly allowed Glasgow into her home  
19 believing he was there for innocent purposes.  
20 She had no idea he planned to shoot and kill  
21 Collins. The shooting occurred after Glasgow  
22 allowed Duhart into the home and (indiscernible)  
23 killing. Glasgow was so full of hate for  
24 Collins that he did not care that his own niece  
25 (indiscernible) to prevent Glasgow from killing  
26 him. So Mr. Glasgow was Mr. Collins sleeping  
27 when he was shot?

1 INMATE GLASGOW: No Ma'am.

2 PRESIDING COMMISSIONER ST. JULIEN: Did  
3 you hate him?

4 INMATE GLASGOW: I didn't hate him I was  
5 scared of him.

6 PRESIDING COMMISSIONER ST. JULIEN: Did  
7 you plan to kill him?

8 INMATE GLASGOW: No Ma'am.

9 PRESIDING COMMISSIONER ST. JULIEN: So do  
10 you think that this letter that from the Palo  
11 Alto police department is this letter accurate?

12 INMATE GLASGOW: No Ma'am.

13 PRESIDING COMMISSIONER ST. JULIEN: So we  
14 have done your parole plans and job offers,  
15 Commissioner Wolk would you like to continue?

16 DEPUTY COMMISSIONER WOLK: Okay. I am to  
17 talk about your programming and you post-  
18 conviction factors and when I am done you can  
19 add anything that you'd like or correct any  
20 mistakes that I have made. I show that you are  
21 currently working in PIA textiles.

22 INMATE GLASGOW: Yes Sir.

23 DEPUTY COMMISSIONER WOLK: And you have  
24 been there about the last twenty years or so.

25 INMATE GLASGOW: Yes Sir.

4 26 DEPUTY COMMISSIONER WOLK: And you have  
27 learned to operate several different types of

1 machines and you are currently a sewing machine  
2 operator.

3 INMATE GLASGOW: Yes.

4 DEPUTY COMMISSIONER WOLK: Is it possible  
5 to receive a certificate of completion in PIA  
6 textiles?

7 INMATE GLASGOW: No, they was talking  
8 about it but they never did (indiscernible).

9 DEPUTY COMMISSIONER WOLK: So you have  
10 gone -- it looks like you have done about  
11 everything that you can possibly do in that  
12 program and you have become skilled and could  
13 probably get employment in that area if you  
14 wanted to.

15 INMATE GLASGOW: Developmental upholstery  
16 with (indiscernible) talked to the guy and if I  
17 could possibly get out (indiscernible).

18 DEPUTY COMMISSIONER WOLK: You have also  
19 worked in culinary on the lunch box crew, you  
20 were a lock stitch operator, trash crew, porter,  
21 small press operator, dining hall worker, and  
22 you worked in the vocational print shop for  
23 awhile as well. Did you complete that program?

24 INMATE GLASGOW: Yes Sir.

25 DEPUTY COMMISSIONER WOLK: You have a  
26 vocational certificate of completion?

27 INMATE GLASGOW: Yes, it should be in

**EXHIBIT 10**  
**Part 2 of 2**

1 that file somewhere.

2 DEPUTY COMMISSIONER WOLK: Okay, I  
3 thought I saw it but I wasn't -- well anyway.  
4 You also worked as a yard attendant and in the  
5 license plate factory way back when in Folsom.

6 INMATE GLASGOW: Yes Sir.

7 DEPUTY COMMISSIONER WOLK: You have your  
8 GED?

9 INMATE GLASGOW: Yes Sir.

10 DEPUTY COMMISSIONER WOLK: You are a  
11 volunteer in the academic department distance  
12 learning program, you participate in the life  
13 skills program, and you also took a course in  
14 introduction to Spanish. As far as self help is  
15 concerned, you have been a regular participant  
16 in NA and AA for many years. You have also  
17 taken anger management, the impact program,  
18 inmate employability program, key to father hood  
19 class, you have taken several anger management  
20 classes, also the entrepreneur development  
21 class, the infectious disease series, science of  
22 the mind foundation course, you participated in  
23 the (indiscernible), and you have been a member  
24 of the lifer's association community awareness  
25 group. You have more laudatory chronos in your  
26 file than I have ever seen before. There must  
27 be a hundred of them in there.



1 INMATE GLASGOW: I try to better myself.

2 DEPUTY COMMISSIONER WOLK: You are to be  
3 commended for that.

4 INMATE GLASGOW: Thank you.

5 DEPUTY COMMISSIONER WOLK: As far as your  
6 disciplinary history is concerned, you have  
7 three CDC 115. The first was June 1993 for  
8 disobeying a direct order to submit a urine  
9 sample. The second was June 15<sup>th</sup>, of 1993 for  
10 disobeying a direct order to submit to a urine  
11 sample and the last one was October 24<sup>th</sup> of 1999  
12 for possession of poker chips. Is that right?

13 INMATE GLASGOW: Yes Sir.

14 DEPUTY COMMISSIONER WOLK: Were you  
15 gambling?

16 INMATE GLASGOW: No I just had the chips.

17 DEPUTY COMMISSIONER WOLK: So you have  
18 three 115's, two in 1993 and one in 1999. You  
19 have five 128A's the first one was in 1986  
20 failing to answer to docket, second in 1989  
21 failing to lock up, third in 1996 for poor job  
22 performance, the fourth in 1999 for altering  
23 state property, and the fifth was in 2002 for  
24 smoking. Have you stopped smoking?

25 INMATE GLASGOW: Yes Sir.

26 DEPUTY COMMISSIONER WOLK: After that?

27 INMATE GLASGOW: I don't smoke anymore,

1 they made me stop.

2 DEPUTY COMMISSIONER WOLK: Well that's  
3 good. Add a few more years onto your life.  
4 Okay, last item I am going to talk about is the  
5 psych report that was done in December of 2004  
6 at least that is the last one I have. Have you  
7 had one since then?

8 ATTORNEY HALL: That's the one, December  
9 of 2004.

10 DEPUTY COMMISSIONER WOLK: This was done  
11 by Doctor Reed staff psychologist. During the  
12 clinical interview inmate Glasgow was alert and  
13 oriented to person, place and time. He was well  
14 dressed and groomed. His speech was articulate  
15 and contextually meaningful. His mood and  
16 affect were within normal limits. His behavior  
17 was appropriate to the setting. No evidence of  
18 mood or thought disorder was demonstrated. His  
19 estimated intellectual functioning is within the  
20 average range. His current diagnostic  
21 impression under Axis I, heroine dependence is  
22 sustained full remission in a controlled  
23 environment. He notes that you pick at several  
24 self help groups, anger management, and  
25 participate in AA and NA through out the years,  
26 also life skills program. He assesses your  
27 dangerousness within a controlled setting to be

1 low relative to the average level two inmate  
2 population. He states that if released to the  
3 community his violence potential is considered  
4 to be no more than that of the average citizen  
5 in the community. There are no significant risk  
6 factors which may be a precursor to violence for  
7 this individual. He is competent and reasonable  
8 and responsible for his behavior. He has the  
9 capacity to abide by institutional standards.  
10 He does not have a mental health disorder which  
11 would necessitate treatment either during his  
12 incarceration period or following upon parole.  
13 This inmate does have a heroine abuse history  
14 however he has remained abstinent from abuse of  
15 heroine for over 23 years and has regularly  
16 attended NA within CDC. And does not appear at  
17 this point to be a significant risk factor for  
18 violence. Continued participation with NA  
19 within CDC no longer appears to be warranted,  
20 however participation within NA as a contingency  
21 for parole for one year is suggested. That  
22 pretty much covers everything that I have been  
23 able see in your file that has to do with  
24 programming. Is there anything that you would  
25 like to add?

4 26 INMATE GLASGOW: No Sir, that is just  
4 27 about it.

1           ATTORNEY HALL: I don't know Commissioner  
2 if you mentioned his participation in the Muslim  
3 Development (indiscernible) anger management  
4 program.

5           INMATE GLASGOW: That's true  
6 (indiscernible).

7           DEPUTY COMMISSIONER WOLK: And I will now  
8 turn it back over to my colleague.

9           PRESIDING COMMISSIONER ST. JULIEN: Thank  
10 you. (indiscernible) 2000 in your psychological  
11 evaluation when you were talking about the life  
12 crime you said that the victim had beaten you up  
13 before?

14          INMATE GLASGOW: Yes Ma'am.

15          PRESIDING COMMISSIONER ST. JULIEN: Is  
16 that correct?

17          INMATE GLASGOW: Yes.

18          PRESIDING COMMISSIONER ST. JULIEN: Why  
19 did he beat you up?

20          INMATE GLASGOW: Well (indiscernible)  
21 four or five guys (indiscernible) come from a  
22 (indiscernible).

23          PRESIDING COMMISSIONER ST. JULIEN: How  
24 old was he, I mean were you close in age?

25          INMATE GLASGOW: Ya, I think I was two  
26 years older.

27          PRESIDING COMMISSIONER ST. JULIEN: Then

1 how did he get involved with your niece?

2 INMATE GLASGOW: I don't know. I was  
3 kind of curious about that also because she is  
4 my sister's daughter and I was concerned about  
5 that and come to find out that she  
6 (indiscernible)... I was concerned about it.

7 PRESIDING COMMISSIONER ST. JULIEN: So  
8 did you know he was there the day of the  
9 shooting?

10 INMATE GLASGOW: No, Ma'am.

11 PRESIDING COMMISSIONER ST. JULIEN: So  
12 going back to your heroine days, were you using  
13 heroine at the time of the crime?

14 INMATE GLASGOW: No, I was doin a  
15 maintenance program.

16 PRESIDING COMMISSIONER ST. JULIEN: And  
17 how long had you been on that?

18 INMATE GLASGOW: For about a year.

19 PRESIDING COMMISSIONER ST. JULIEN: So  
20 again, do you know why you stayed addicted to  
21 heroine for so many years? I know you have the  
22 previous attempts at trying to stop.

23 INMATE GLASGOW: I just determined not to  
24 let it kill me off completely. It's a strong  
25 drug and takes control of you but I kept  
26 fighting it and wouldn't give into it. This is  
27 why I got on the (indiscernible) maintenance

1 program.

2 PRESIDING COMMISSIONER ST. JULIEN: And  
3 how do you feel about your heroine use now?

4 INMATE GLASGOW: I feel good about my  
5 (indiscernible).

6 PRESIDING COMMISSIONER ST. JULIEN: When  
7 you were using heroine? How do you think that  
8 affected your life?

9 INMATE GLASGOW: (indiscernible)

10 PRESIDING COMMISSIONER ST. JULIEN: Would  
11 you ever use it again?

12 INMATE GLASGOW: No Ma'am.

13 PRESIDING COMMISSIONER ST. JULIEN: Why  
14 not?

15 INMATE GLASGOW: Because I know what it  
16 will do to you Ma'am. (indiscernible).

17 PRESIDING COMMISSIONER ST. JULIEN: How  
18 do you explain the long heroine use and your  
19 offenses, arrest record with all of your  
20 laudatories and good behavior in prison? How  
21 did that change come about?

22 INMATE GLASGOW: I had to work  
23 (indiscernible) and all different arrests the  
24 main thing Ma'am, drug addiction.  
25 (indiscernible) and habit. Now I don't have the  
26 habit.

27 PRESIDING COMMISSIONER ST. JULIEN: And

1 how were you able to stop because I think that  
2 we all know that heroine use is often available  
3 in prison.

4 INMATE GLASGOW: By participating in the  
5 programs and being active and doin the right  
6 thing. Positive things. Do things to better my  
7 life. (indiscernible) and that's my future. I  
8 know that you made a statement that they said  
9 that I didn't feel no remorse, I have to feel  
10 remorse because my family is involved. My niece  
11 was pregnant (indiscernible). When they was  
12 babies I used to send my niece all the money I  
13 could (indiscernible) everything I could but I  
14 knew it wasn't much but it was the best that I  
15 could do.

16 PRESIDING COMMISSIONER ST. JULIEN: You  
17 would send them money?

18 INMATE GLASGOW: Ya. I knew it was the  
19 kid's father so I tried to do did everything I  
20 could (indiscernible). (indiscernible) where  
21 there father was. It kind of hurts me  
22 (indiscernible).

23 PRESIDING COMMISSIONER ST. JULIEN: Any  
24 other questions? Mr. Rico do you have questions  
25 for Mr. Glasgow?

26 DEPUTY DISTRICT ATTORNEY RICO: Yes I do.  
27 Commissioner and I will address them to the

1 panel. I am a little bit confused about some  
2 things, I don't mean to repeat. It is my  
3 understanding that Mr. Glasgow was 38 at the  
4 time of the life crime and the victim according  
5 to the autopsy information was 30 is that about  
6 right. Does Mr. Glasgow remember that?

7 INMATE GLASGOW: I don't really know his  
8 age.

9 DEPUTY DISTRICT ATTORNEY RICO: That's  
10 fine. I guess that some of the things that I am  
11 wondering about in terms of the life crime. The  
12 file indicates that on March 1<sup>st</sup>, 1980 that Mr.  
13 Glasgow went over to his niece's residence about  
14 five o'clock in the morning. Is that accurate?

15 INMATE GLASGOW: It was early.

16 DEPUTY DISTRICT ATTORNEY RICO: Why did  
17 you go over so early?

18 INMATE GLASGOW: Because as it was stated  
19 I was on this methadone maintenance program and  
20 you had to pick your medicine up early and I  
21 didn't want to miss that so I stayed up.

22 DEPUTY DISTRICT ATTORNEY RICO: So I  
23 guess what I am asking you is why did he go over  
24 to his niece's residence that morning?

25 INMATE GLASGOW: Because I was concerned  
26 about her.

27 DEPUTY DISTRICT ATTORNEY RICO: Concerned



1 about what?

2 INMATE GLASGOW: I was going to San  
3 Francisco so I was concerned about my niece so I  
4 stopped there.

5 DEPUTY DISTRICT ATTORNEY RICO: And I  
6 heard Mr. Glasgow indicate earlier that it was  
7 his gun and he took it with him is that  
8 accurate?

9 INMATE GLASGOW: Yes.

10 DEPUTY DISTRICT ATTORNEY RICO: What I am  
11 wondering is since it looks like Mr. Glasgow in  
12 addition to the 82 arrests, had four prior  
13 felony convictions. What did he have a gun for  
14 anyway?

15 INMATE GLASGOW: Because the area that I  
16 was in. (indiscernible) been beaten up there a  
17 couple times before.

18 DEPUTY DISTRICT ATTORNEY RICO: But the  
19 crime itself took place in the city of Palo Alto  
20 which is in Santa Clara County and not East Palo  
21 Alto which is in San Mateo County. Isn't that  
22 true?

23 INMATE GLASGOW: Well it split up, they  
24 split the county. Palo Alto is split county.

25 DEPUTY DISTRICT ATTORNEY RICO: I guess  
26 what I am asking is it would appear that the  
27 shooting took place at his niece's residence at

1 1179 Amarillo A-M-A-R-I-L-L-O in Palo Alto.  
2 Where exactly was that? Does Mr. Glasgow  
3 remember what area of town?

4 INMATE GLASGOW: No, it's Palo Alto  
5 (indiscernible).

6 DEPUTY DISTRICT ATTORNEY RICO: In terms  
7 of the weapon, I note that in that report  
8 Commissioner you referred to the psych report  
9 from May 4<sup>th</sup>, of 2000 under review of the life  
10 crime, at that time Mr. Glasgow was saying that  
11 he killed the victim with the victim's own gun  
12 purely in self defense which is different from  
13 what he is saying today. Could he comment on  
14 those discrepancies in the last five years, the  
15 different stories?

16 INMATE GLASGOW: It because she had lies.  
17 I am telling the truth today.

18 DEPUTY DISTRICT ATTORNEY RICO: So does  
19 Mr. Glasgow say that he was lying as recently as  
20 May of 2000 about how the life crime took place?

21 INMATE GLASGOW: I am sorry.

22 DEPUTY DISTRICT ATTORNEY RICO: I will  
23 rephrase that. Commissioner do you see the  
24 question that I am talking about under the life  
25 crime there? It's on page four of the 540 --

26 PRESIDING COMMISSIONER ST. JULIEN: I see  
27 it. So this statement says that you said that

1 you killed Mr. Collins with his gun and you were  
2 acting in self defense. Now did you kill Mr.  
3 Collins with his gun?

4 INMATE GLASGOW: I had the gun.

5 PRESIDING COMMISSIONER ST. JULIEN: So  
6 why did you say you killed Mr. Collins with his  
7 gun.

8 INMATE GLASGOW: I was under the  
9 impression that he had a gun.

10 PRESIDING COMMISSIONER ST. JULIEN: Do  
11 you that this doesn't make sense to us?

12 ATTORNEY HALL: He said earlier that he  
13 thought that Mr. Collins had a gun.

14 PRESIDING COMMISSIONER ST. JULIEN: He  
15 says here that he says he killed the victim with  
16 the victims own gun.

17 INMATE GLASGOW: No I had the gun.  
18 (indiscernible).

19 PRESIDING COMMISSIONER ST. JULIEN: Maybe  
20 the psychologist -- I don't know.

21 DEPUTY DISTRICT ATTORNEY RICO: I thought  
22 I heard Mr. Glasgow say a minute ago that he was  
23 telling the truth today. Is he acknowledging  
24 that maybe he wasn't being truthful in 2000  
25 about how the crime really took place? Is that  
26 what he was indicating?

27 INMATE GLASGOW: Well if I told him that

1 then it stayed my mind. I was under the  
2 impression that he had a gun.

3 DEPUTY DISTRICT ATTORNEY RICO: I will  
4 let that be enough and not pursue that anymore.  
5 There was some materials that I had submitted to  
6 the board on October 6<sup>th</sup> that included an  
7 autopsy report and crime scene diagram and three  
8 crime scene photos.

9 PRESIDING COMMISSIONER ST. JULIEN: Yes,  
10 we received that. I didn't see the photos  
11 unless they are in the C File. We did see the  
12 report of the crime scene and the autopsy and  
13 all of that.

14 ATTORNEY HALL: And which I just received  
15 today and again I would urge that it not be  
16 considered as submitted untimeliness.

17 DEPUTY DISTRICT ATTORNEY RICO: Well.  
18 Commissioner I also would point out that when I  
19 did submit that it was on October 6<sup>th</sup>, 2005 I  
20 overnighted them to Soledad and the last line in  
21 the cover letter said that I am enclosing copies  
22 of the materials for the inmates C File, the BPH  
23 panel and inmate Glasgow's attorney. I would  
24 ask that you forward the copy provided for the  
25 inmate's attorney to counsel immediately so it  
26 is received in timely fashion prior to the above  
27 referred to lifer hearing scheduled for November

1 2<sup>nd</sup>. That was on October 6<sup>th</sup>. I did everything  
2 that I could.

3 PRESIDING COMMISSIONER ST. JULIEN: We  
4 all just got these today. I don't know. Mr.  
5 Hall did you receive this before?

6 ATTORNEY HALL: No I did not. This is  
7 the first time I am seeing it.

8 PRESIDING COMMISSIONER ST. JULIEN: It  
9 was in our updated materials that I actually  
10 gave Mr. Hall his copy. But we just got those  
11 today.

12 DEPUTY DISTRICT ATTORNEY RICO: I terms  
13 of submitting it timely, there is nothing more  
14 that I could do unless --

15 PRESIDING COMMISSIONER ST. JULIEN: That  
16 is correct. I don't know. The information  
17 would probably be the determining factor.

18 DEPUTY DISTRICT ATTORNEY RICO: In any  
19 event, I am also told that sometimes crime scene  
20 photographs are put in something called a sluff  
21 file which is --

22 PRESIDING COMMISSIONER ST. JULIEN: Mr.  
23 Wolk is looking for them now.

24 DEPUTY DISTRICT ATTORNEY RICO: Thank  
25 you. The line is going to ask the panel for  
26 submission to the inmate is this. I have seen  
27 the letter that Mr. Glasgow wrote to, and it

1 says to the Glasgow, Watts, and Collins Family  
2 and it indicates in it that his, meaning Mr.  
3 Collins, death was never intentional. I guess  
4 what I am kind of confused about here, the  
5 photos show, and I could just ask Mr. Glasgow  
6 that, wasn't Mr. Collins completely naked at the  
7 time he was shot?

8 INMATE GLASGOW: I don't know, I didn't  
9 have time enough to view him (indiscernible)  
10 because I was afraid and I was scared.

11 DEPUTY DISTRICT ATTORNEY RICO: I guess  
12 he was shot in the bedroom. Is that accurate?

13 INMATE GLASGOW: It was up against the  
14 door, between the hallway and the bedroom.

15 DEPUTY DISTRICT ATTORNEY RICO: I guess  
16 one of the things that confuses me, Mr. Glasgow  
17 came to the apartment and was refused entrance  
18 the first time, the second time he was let in.  
19 Why did Mr. Glasgow after he gained access to  
20 the apartment let in a second individual, Edmond  
21 Duhart, through a back door? Why did he do  
22 that?

23 INMATE GLASGOW: It was the first time I  
24 was at the apartment and I didn't know  
25 (indiscernible) was coming in the back. I  
26 didn't know I had someone in the car waitin.

27 DEPUTY DISTRICT ATTORNEY RICO: And if

1 Mr. Glasgow was afraid of the victim who  
2 apparently was in the back bedroom, why did Mr.  
3 Glasgow walk from the apartment, the living  
4 area, down the hallway into the bedroom where  
5 Mr. Collins was if Mr. Glasgow was afraid of  
6 him? Why did he go to him?

7 INMATE GLASGOW: I didn't walk to the  
8 bedroom, I went to the bathroom.

9 DEPUTY DISTRICT ATTORNEY RICO: How did  
10 Mr. Glasgow then wind up in the bedroom with the  
11 gun and with the victim?

12 INMATE GLASGOW: He was standing at the  
13 door between the hallway and the bedroom.

14 DEPUTY DISTRICT ATTORNEY RICO:  
15 Completely naked?

16 INMATE GLASGOW: I don't know if he was  
17 naked or not.

18 DEPUTY DISTRICT ATTORNEY RICO: And how  
19 was it, the report seems to indicate that at  
20 some point, when Mr. Glasgow went down and  
21 confronted the victim who was asleep in the bed  
22 in the bedroom and started shooting that Mr.  
23 Glasgow's niece threw her self over the victim  
24 to try to shield him and Mr. Glasgow fired  
25 through the niece into the victim? Is that  
26 accurate?

27 INMATE GLASGOW: No Sir.

1           DEPUTY DISTRICT ATTORNEY RICO: How did  
2 bullets pass through Mr. Glasgow's niece then?

3           INMATE GLASGOW: I don't know as to the  
4 question how.

5           DEPUTY DISTRICT ATTORNEY RICO: And the  
6 autopsy report indicates that among the many  
7 wounds to the victim, Ralph Collins, there were  
8 a couple of bullets, one directly above the  
9 right ear canal which had a marginal rim of  
10 abrasion suggesting that the gun was put right  
11 up against the head. How did Mr. Glasgow shoot  
12 the victim in that manner up against the back of  
13 the head if he was fighting him as he has  
14 indicated?

15           INMATE GLASGOW: (indiscernible).

16           DEPUTY DISTRICT ATTORNEY RICO: I don't  
17 know if those photos have been located but they  
18 show two bullets. All I know is that I sent  
19 them. I don't know what the institution did  
20 with them.

21           DEPUTY COMMISSIONER WOLK: We'll take  
22 your word for it.

23           DEPUTY DISTRICT ATTORNEY RICO: I will  
24 just ask Mr. Glasgow through the panel this.  
25 Did Mr. Glasgow put the muzzle of the gun right  
26 up against the victim's head and pull the  
27 trigger?



1           INMATE GLASGOW: Sir, I know this is not  
2 the time nor the place but nothin no way  
3 (indiscernible) fightin and I was afraid for my  
4 life and I don't know what position the man was  
5 in all I know is that I was fightin for my life.  
6 (indiscernible).

7           DEPUTY DISTRICT ATTORNEY RICO: I guess  
8 what I don't understand Mr. Glasgow is  
9 indicating that he was fighting for his life but  
10 it would appear that the victim had no clothing  
11 on and no weapon and Mr. Glasgow was the only  
12 one with a gun and had gone to the victim. Can  
13 he explain how it was that he somehow was  
14 fighting for his life under those circumstances?

15          ATTORNEY HALL: We will object to the  
16 premise that in fact that the person was nude or  
17 naked at the time. Mr. Glasgow has said that he  
18 didn't know whether he recall if the man was  
19 naked or not so to include that in the question,  
20 the premise that he was naked I think is  
21 improper.

22          DEPUTY DISTRICT ATTORNEY RICO: May I  
23 have just a moment?

24          PRESIDING COMMISSIONER ST. JULIEN: Yes.  
25 Can you limit it to one more question?

26          DEPUTY DISTRICT ATTORNEY RICO:  
27 Certainly. I know Mr. Glasgow has indicated

1 that his niece was convicted of perjury for  
2 lying but isn't the lie that she was convicted  
3 of perjury for telling the recanting of her  
4 original version. So I-guess what I am saying  
5 she wasn't convicted for lying that he did the  
6 crime but she was convicted for lying after the  
7 fact that he hadn't been involved. Isn't that  
8 accurate?

9 INMATE GLASGOW: I don't know.

10 DEPUTY DISTRICT ATTORNEY RICO: Did Mr.  
11 Glasgow do anything to get his niece to change  
12 her story to try to get him out of trouble?

13 INMATE GLASGOW: Got arrested on March  
14 the 1<sup>st</sup> and I been in jail ever since.

15 DEPUTY DISTRICT ATTORNEY RICO: I have  
16 nothing further.

17 PRESIDING COMMISSIONER ST. JULIEN: Okay  
18 Mr. Hall.

19 ATTORNEY HALL: Thank you. This crime  
20 occurred some twenty five years ago, twenty five  
21 and a half years ago, and you are now 64 years  
22 old?

23 INMATE GLASGOW: Yes.

24 ATTORNEY HALL: In respect to some of the  
25 questions that the Deputy District Attorney was  
26 asking you about in detail about the crime.  
27 Your memory is quite clear as to what happened

1 next?

2 INMATE GLASGOW: Yes.

3 ATTORNEY HALL: Your memory is quite  
4 clear?

5 INMATE GLASGOW: Yes.

6 ATTORNEY HALL: Do you have any  
7 recollection during the struggle that your niece  
8 participated in that struggle?

9 INMATE GLASGOW: Yes she did.

10 ATTORNEY HALL: And as you testified,  
11 this occurred outside the bedroom?

12 INMATE GLASGOW: Yes.

13 ATTORNEY HALL: And your testimony you  
14 thought that Mr. Collins had a weapon. Is that  
15 correct?

16 INMATE GLASGOW: Yes.

17 ATTORNEY HALL: You saw that report, or  
18 you heard that various statements that you had  
19 no weapon. Is that true?

20 INMATE GLASGOW: Yes.

21 ATTORNEY HALL: But you know for sure  
22 that you did have a weapon?

23 INMATE GLASGOW: Yes.

24 ATTORNEY HALL: And that the shooting  
25 occurred while you were struggling for the  
26 weapon?

27 INMATE GLASGOW: Yes.

1           ATTORNEY HALL: I have no further  
2 questions.

3           PRESIDING COMMISSIONER ST. JULIEN: Mr.  
4 Rico do you have a closing statement?

5           DEPUTY DISTRICT ATTORNEY RICO: Yes,  
6 briefly Commissioner. It's true that this life  
7 crime took place some 25 years ago on March 1<sup>st</sup>.  
8 or 1980. And here we are 25 years later and Mr.  
9 Glasgow is indicating his version of the events  
10 and they just don't seem to fit what the  
11 information in the packet, in the probation  
12 report, in the file, in the materials that I  
13 submitted. On March 1<sup>st</sup>, 1980 at approximately  
14 five o'clock in the morning the defendant knocks  
15 on the door of his niece, Patricia Watts and she  
16 doesn't let him in because the victim,  
17 apparently someone that Mr. Glasgow has had  
18 issues with in the past is there. According to  
19 all of the information here, asleep in the back  
20 bedroom. So later that morning Mr. Glasgow  
21 returns and his niece lets him in and then for  
22 some reason Mr. Glasgow let's in an acquaintance  
23 this Edmond Duhart in through the back door and  
24 I know that Mr. Glasgow is indicating that  
25 simply went to the bathroom but the indications  
26 are that Mr. Glasgow walked down the hall into  
27 the bedroom where Mr. Collins, this person that

1 he didn't like or had fights with in the past  
2 was in bed. I don't know where those photos  
3 went that I sent on October 6<sup>th</sup> but they the  
4 condition of the victim. I will leave it at  
5 that. But the victim was shot two times in the  
6 back and the head, upper abdomen and indications  
7 are that Patricia Watts at one point during this  
8 attack covered the victim with her own body and  
9 that Mr. Glasgow fired through her into the  
10 victim. Mr. Glasgow seems to be saying that he  
11 has remorse that he is no longer involved with  
12 drugs and that he is a changed person but I do  
13 not hear him coming to terms with the crime. I  
14 hear, but when I look at that 2000 psych eval it  
15 troubles me that according to the clear words by  
16 the author of that report as recently as 2000  
17 Mr. Glasgow is indicating that he killed the  
18 victim with the victims own gun clearly in self  
19 defense. That is what the report says in its  
20 very words. And now he is indicating that yes  
21 it was his gun, Mr. Glasgow's gun that he took  
22 to the residence that day. Somehow because he  
23 was afraid of the area. Although the crime took  
24 place in Palo Alto which is clearly not a high  
25 crime area. It's not the same thing as East  
26 Palo Alto. And we have Mr. Glasgow who has four  
27 prior felony convictions. It's a crime to be a

1 felon in possession of a firearm that he seems  
2 to have no qualms about arming himself and  
3 walking around. He was going up to San  
4 Francisco that day apparently going to take the  
5 gun. There is much more going on here in terms  
6 of how his life crime took place than Mr.  
7 Glasgow seems to be owning up to or accepting  
8 responsibility for. And the current psych eval  
9 I have to take issue with. On page two it says  
10 that under review of the life crime that he,  
11 meaning Mr. Glasgow, showed good insight into  
12 the causative factors related to the instance  
13 offense and I am not seeing that at all. I am  
14 seeing an individual who still can't come to  
15 terms why there is a bullet above the right ear  
16 canal and there is an indication of a muzzle  
17 being pressed up to the skull when he is  
18 claiming that he, Mr. Glasgow was fighting for  
19 his life although the victim wasn't armed and  
20 Mr. Glasgow was the only one armed. The version  
21 I hearing does not make sense and when he says  
22 that the shooting wasn't intentional Mr. Glasgow  
23 is the one that went down the hall. So I think  
24 he has a long way to go. I am not quite sure  
25 and I didn't specifically ask in terms of the  
26 plans getting out, his work plans, the owner of  
27 Big Ed's Furniture seems to indicate that Mr.

1 Glasgow would be employed in sales and delivery  
2 and I'm not sure if that is going to mean that  
3 Mr. Glasgow at age 64 with medical issues that  
4 he's got is going to be out in a truck  
5 delivering heavy furniture. So I don't know if  
6 that is truly a practical plan for him at this  
7 stage in his life. But all things considered  
8 and when we get down to the remorse issue, when  
9 Mr. Glasgow was asked he felt about the crime I  
10 heard him talk about his family, I heard him  
11 talk about the victim's family, and maybe I  
12 missed it but I didn't hear him specifically  
13 talk about how he feels for Mr. Collins losing  
14 his life. He talked about Mr. Collins family  
15 and Mr. Glasgow's family but I didn't hear what  
16 sounded to my like a true indication of remorse  
17 for Mr. Collins losing his life and I don't  
18 know if there is still animosity there. So my  
19 concern is that even though Mr. Glasgow is 64,  
20 is no doubt is a much perhaps living a gentler  
21 or less aggressive lifestyle behind bars but if  
22 he is to get out, if he was to be given a date  
23 and to go back out. I know he has taken anger  
24 management classes while he has been in but when  
25 he was out last time with four prior felony  
26 convictions he didn't hesitate to arm himself  
27 and I truly do not feel from what I have heard

1 today that Mr. Glasgow has reassured anyone that  
2 if he is released he is not going to fall back  
3 into patterns that maybe have gotten him to  
4 where he is today. And I think that until such  
5 time as he truly looks inward and is perhaps  
6 more forthright and comes to terms and gains  
7 insight, true insight into how this crime took  
8 place. What he really did that there is not  
9 indication that under certain circumstances he  
10 wouldn't act like this again. And I think that  
11 he still has work to do and in that regard and  
12 I would submit on those comments I ask that he  
13 be found not suitable. Thank you.

14 PRESIDING COMMISSIONER ST. JULIEN: Thank  
15 you. And Mr. Rico we did find the crime scene  
16 photographs. They were in a folder under some  
17 other things. Did you hear me?

18 DEPUTY DISTRICT ATTORNEY RICO: Yes I did  
19 but I talked enough so thank you.

20 PRESIDING COMMISSIONER ST. JULIEN: Mr.  
21 Hall closing statement.

22 ATTORNEY HALL: Yes, thank you. I think  
23 that the Deputy District Attorney's statement  
24 amounts to really an attempt to retry the case.  
25 That was the implication of the questioning of  
26 Mr. Glasgow. Perhaps that was not his intent  
27 but it amounts to that. I think the real issue



1 is whether or not Mr. Glasgow would pose an  
2 unreasonable risk upon society should he be  
3 paroled. And I think the conclusion has to be  
4 that he would not pose such a risk. Here is a  
5 person who is been working on him self, working  
6 through heroine addiction, working through the  
7 fact that having killed someone and taking  
8 responsibility for it. And he has done that.  
9 And I think that he has done that sufficiently  
10 that the psychologist who evaluated him through  
11 out his incarceration has mapped his progress in  
12 that regard and we could go back to the  
13 evaluation that was done by Doctor Kidd back in  
14 1992. Doctor Kidd points out that Mr. Glasgow  
15 violence potential outside the controlled  
16 setting in the past appeared less than average  
17 then at present has decreased. Then we come to  
18 earlier in 1989 Doctor Martin stated that less  
19 controlled setting such as a return to the  
20 community the inmate will likely continue the  
21 present gains if he does not return to his  
22 addiction. In 2000 Doctor Reed wrote that if  
23 released to the community his violence potential  
24 is considered to be no more than the average  
25 citizen in the community. And the Commissioner  
26 has put on the record already the present  
27 psychological assessment essentially that Mr.

1 Glasgow would pose no more risk than the average  
2 citizen in the community if he was to be  
3 paroled. The statements made by Patricia Watts  
4 should be taken with a grain of salt when her  
5 entire testimony in fact. I mean here is a  
6 person convicted of a felony of perjury. I know  
7 the Deputy District Attorney asks questions as  
8 to the specific comments or statements made by  
9 Ms. Watts for which he was convicted of perjury.  
10 We don't know that, if not presented to the  
11 board any transcript of what was said by her,  
12 what the court deemed to have been perjury  
13 (indiscernible). Mr. Glasgow does not know  
14 exactly what lies she told when she testified  
15 but in fact he testified to how the crime  
16 occurred and she testified and between the three  
17 individuals, Mr. Collins, Ms. Watts, and Mr.  
18 Glasgow, she and Mr. Glasgow were the only  
19 remaining witnesses. Any statements that she  
20 made as to how the instances occurred, how the  
21 murder occurred should be taken with a grain of  
22 salt. Certainly Mr. Glasgow has been  
23 forthright, he has been convicted of this crime  
24 and really has no reason to lie about what  
25 happened. The statement by the Agent Powers  
26 describing Mr. Glasgow's domineer stating that  
27 he show no sign of remorse, that was at the time

1 of the crime. I don't know if Agent Powers has  
2 seen any of the psychological evaluations. I  
3 don't know if she has seen or spoken to anyone  
4 since this crime occurred in 1980 and so to base  
5 a conclusion on what she perceived Mr. Glasgow  
6 to be demonstrating back in March of 1980  
7 certainly would be unfair to Mr. Glasgow but  
8 than unfair it's just unreliable and it's not a  
9 reflection of who Mr. Glasgow is today. So I  
10 think that comment, any comment regarding Mr.  
11 Glasgow's perceived lack of remorse should be  
12 discounted and not observed at all. Instead the  
13 various evaluators that assessed Mr. Glasgow has  
14 pointed out that he has shown remorse through  
15 out the time that he has been incarcerated and  
16 again he has demonstrated that the various  
17 petitions submitted on his behalf as his  
18 expressed remorse of Mr. Collins death and the  
19 harm to the families. It is true that he does  
20 mention his family and I think we should keep in  
21 mind that this is a family that two families are  
22 intertwined both are Ms. Watts was his niece  
23 since she is now deceased. Certainly there  
24 would be remorse on both sides and these family  
25 members have, some family members have forgiven  
26 Mr. Glasgow and are urging his release on  
27 parole. Again the evaluators have expressed

1 that Mr. Glasgow has demonstrated that he has  
2 gained insight into what he has done. Certainly  
3 being incarcerated for so long without any kind  
4 of violation for drugs, or controlled substances  
5 of any kind clearly demonstrates that in fact  
6 that he has kicked the habit, that he has been  
7 fighting the heroine addiction that he has been  
8 fighting at a time of the crime. And I think  
9 that he has realistic parole plans. He's got  
10 employment offers as well as marketable skills  
11 and commitment to a residence with his wife.  
12 Given Mr. Glasgow's medical condition I think it  
13 is very unlikely that he would be at risk of  
14 committing any kind of violence or  
15 (indiscernible) against anyone in the community.  
16 And then when you add his age of 64 to that it  
17 certainly would minimize any potential what so  
18 ever he would commit any kind of aggression or  
19 violence against anyone. He has family support,  
20 various family members who will again on his  
21 behalf written parole as well as other community  
22 members and I believe it amounts to some 60  
23 individuals who voice there support as members  
24 of the community supporting Mr. Glasgow's  
25 release on parole. I think overall given Mr.  
26 Glasgow's following of the rules with in the  
27 institution, having rehabilitated him self,

1 having kicked the heroine addiction, and having  
2 sincere and competent plans for the future we  
3 believe at this time he is suitable for parole  
4 and we urge this panel to so decide and grant  
5 Mr. Glasgow parole. Thank you.

6 PRESIDING COMMISSIONER ST. JULIEN: Okay,  
7 thank you. Actually I have an unusual - Mr.  
8 Rico I have a question for you before we go on.  
9 Was Mr. Duhart convicted of anything? I know  
10 that he was --

11 DEPUTY DISTRICT ATTORNEY RICO: I have a  
12 note here that at the jury trial December 19<sup>th</sup>,  
13 1980 he was found not guilty. I don't have --  
14 The trial prosecutor is here but I don't have a  
15 note about that aspect of it. I don't know if  
16 you wish to -

17 MS. NEDDE: As I recall he was acquitted  
18 of everything. There was no evidence that he  
19 participated in the shooting or anything else.  
20 My argument to the jury of course was that he  
21 was an accomplice that having more than one  
22 person there, that increased the victim's  
23 danger.

24 PRESIDING COMMISSIONER ST. JULIEN: Okay  
25 thank you. Mr. Glasgow would you like to give a  
26 statement as to your parole suitability?

27 INMATE GLASGOW: Well at this point in my

1 life.

2 DEPUTY COMMISSIONER WOLK: Why don't you  
3 go ahead and start over again.

4 INMATE GLASGOW: What I am doing now for  
5 my life I am planning on doin the rest of my  
6 life. I don't plan on doin any thing backward  
7 and doin what I used to do. I learned my lesson  
8 and I live my self in life and all I can do is  
9 continue to do the right things. I know  
10 (indiscernible). I am not on trial anymore but  
11 I (indiscernible). I won't disappoint anyone.  
12 Please let me (indiscernible). I love my family  
13 and I want to be with them. If there is  
14 anything more I can do (indiscernible).

15 PRESIDING COMMISSIONER ST. JULIEN: Okay.  
16 Is there anything else that you would like to  
17 say Sir?

18 INMATE GLASGOW: Just that I extend my  
19 remorse to the Collins family and I put it on  
20 paper but I pray for his soul. I pray  
21 (indiscernible) taking his life (indiscernible).

22 PRESIDING COMMISSIONER ST. JULIEN: Okay,  
23 thank you Sir. We will now recess for  
24 deliberations.

25 R E C E S S

26 --oOo--

27

1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER WOLK: We're back on  
4 record.

5 PRESIDING COMMISSIONER ST. JULIEN: All  
6 parties have returned to the room for the  
7 hearing of Brice Glasgow. Mr. Glasgow we are  
8 going to deny your parole, we are going to deny  
9 your parole for a year. The main reason, the  
10 commitment crime. It just doesn't, we just  
11 can't reconcile the facts of the crime with your  
12 accounts, we can't say, we don't know who's right and  
13 who's wrong and who is telling the truth and who  
14 isn't. But as long as there are lingering  
15 doubts we just can't do it. We have reviewed  
16 all the information received from the public and  
17 relied on the following circumstances in  
18 concluding that the inmate is not suitable for  
19 parole and would pose an unreasonable risk of  
20 danger to society or a threat to public safety  
21 if released from prison. The commitment offense  
22 was carried out in an especially cruel and  
23 callous manner in that the inmate shot and  
24 killed Mr. Ralph Collins and there were three  
25 bullet wounds to the back and two to the back of  
26 the head and also a shot into Patricia Watts who  
27 BRICE GLASGOW C-26529 DECISION PAGE 1 11/2/05

1 was the inmates niece and she was shot once in  
2 the back. Multiple victims were attacked in the  
3 same incident and one was killed and one was  
4 injured and the motive for the crime was  
5 explicable or very trivial in relation to the  
6 offense and on the one hand we have as a result  
7 of and altercation and (indiscernible) and on  
8 the other hand we have that there was  
9 intentional motives behind the shooting. So it  
10 is hard for us to draw a conclusion here and we  
11 would suggest that you really, really think  
12 about this and try to go back and research your  
13 memory as much as you can and perhaps even write  
14 something down. Make a statement as to the  
15 events of that night or that morning in its  
16 entirety and what you did afterwards because the  
17 fact that you left, you basically left Mr.  
18 Collins. I don't know if you knew he was dead  
19 or (indiscernible) So I think all of those  
20 things (indiscernible). In terms of your  
21 previous record, you do have an escalated  
22 pattern of criminal conduct and violence and a  
23 history of unstable relationships with others  
24 and you have failed previous rounds of probation  
25 and parole and can't (indiscernible) want you to  
26 avoid future criminalities and that



1 (indiscernible). The probation and parole stems  
2 from approximately 82 arrests and the arrests  
3 were for various crimes but they include  
4 battery, illegal weapon, burglary, conspiracy  
5 and forgery. And I also note that you have  
6 failed to profit from societies previous  
7 attempts to correct your criminality and these  
8 include CYA commitment, (indiscernible), being  
9 on parole and probation, (indiscernible). In  
10 terms of your programming you have done very  
11 well. And as my colleague previously noted you  
12 have numerous laudatory chronos and you have  
13 done exceptionally well while you have been  
14 here. Your last 115 was in 1999 and you have  
15 only had 3 total since you have been here and  
16 that is indeed a very good record. We also note  
17 that your psychological report dated December  
18 1<sup>st</sup>, 2004 authored by Doctor Reed is favorable  
19 and that he states that you need no more risk of  
20 violence than the average citizen however I also  
21 do note on that psychological report that Doctor  
22 Reed really didn't delve into your prior  
23 criminal history and the heroine use and as it  
24 relates to the crime and perhaps if you had some  
25 more discussions with a therapist or a  
26 psychologist you to maybe could reconcile some  
27 BRICE GLASGOW C-26529 DECISION PAGE 3 11/2/05

1 of the issued that we are so concerned about.  
2 In terms of your parole plans you do have viable  
3 residential plans in the County of  
4 (indiscernible) as well as in Stockton area and  
5 you do have acceptable employment plans and that  
6 you have two job offers and you do have a  
7 marketable skill. And we note that in response  
8 to 3042 notices for opposition of parole  
9 suitability we have that opposition  
10 (indiscernible) by the District Attorney of  
11 Santa Clara as well as the Palo Alto police  
12 department and I am referring to the letter that  
13 was in the file. And we made the following  
14 findings that the prisoner needs therapy in  
15 order to face (indiscernible) cope with stress  
16 in a nondestructive manner. Until progress is  
17 made we maintain that you may be unpredictable  
18 and a threat to others. However we would like  
19 to commend you for participating in anger  
20 management, the PIA textiles for over 20 years,  
21 project impact, and disciplinary free since 1999  
22 as well as your exceptional record in receiving  
23 over approximately 50 laudatory chronos.  
24 However the positive aspects of you behavior do  
25 not out weigh the factors of unsuitability that  
26 were mentioned and we are hopeful that in one  
27 BRICE GLASGOW C-26529 DECISION PAGE 4 11/2/05

1 year that you read through all your prior  
2 transcripts, this one included, all your  
3 transcripts and really try to connect the pieces  
4 of this puzzle for the next panel. I would  
5 really encourage you to do that. And therefore  
6 I want to prepare your observation and  
7 evaluation is required before the board should  
8 find that you are suitable for parole.  
9 Commissioner Wolk?

10 DEPUTY COMMISSIONER WOLK: That's  
11 everything.

12 PRESIDING COMMISSIONER ST. JULIEN: And  
13 we will recess and it's ten minutes to eleven.

14 --oOo--

15

16

17

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21

22

23 PAROLE DENIED ONE YEAR

24 THIS DECISION WILL BE FINAL ON: \_\_\_\_\_

25 YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT  
26 DATE, THE DECISION IS MODIFIED.

27 BRICE GLASGOW C-26529 DECISION PAGE 5 11/2/05

MAR 2 2006

CERTIFICATE AND  
DECLARATION OF TRANSCRIBER

I, SUE GERDES, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 - 69, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING OF BRICE GLASGOW, CDC NO. C-26529, ON NOVEMBER 2, 2005, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated NOVEMBER 20, 2005, at Sacramento,  
California.



SUE GERDES  
TRANSCRIBER  
PETERS SHORTHAND REPORTING



**EXHIBIT "B"**



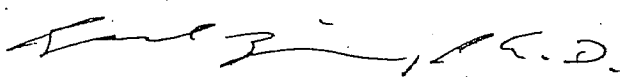
PSYCHOLOGICAL EVALUATION FOR THE BOARD OF PRISON TERMS  
(REVISED AUGUST 1998)  
PAROLE CONSIDERATION HEARING  
FEBRUARY 2003 LIFER CALENDAR

CORRECTIONAL TRAINING FACILITY, SOLEDAD  
SEPTEMBER 3, 2002

Inmate Brice Glasgow, CDC# C-26529, was seen for a psychological evaluation for the Board of Prison Terms by Joe Reed, Ph.D., Staff Psychologist at the Correctional Training Facility (CTF), on 05/01/00 for the April 2000 Lifer Calendar.

According to the instructions given to Wardens and Health Care Managers by Steven Cambra, Jr. (CDC), and G. Lewis Chartrand, Jr. (BPT) in September 1998, once a mental health evaluation is completed in the new format, revised in August 1998, a new evaluation is not necessary when an inmate appears before the Board of Prison Terms unless the BPT has filed a BPT 1000A request for a new report.

Since there is no BPT 1000A request on file, a mental health evaluation was not conducted at this time.



BILL ZIKA, Ph.D.  
Senior Supervising Staff Psychologist  
CORRECTIONAL TRAINING FACILITY, SOLEDAD

BZ/gmj

D: 09/03/02

T: 09/03/02

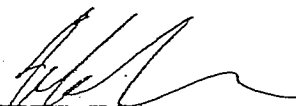
MENTAL HEALTH EVALUATION FOR THE BOARD OF PRISON TERMS  
(REVISED AUGUST 1998)  
PAROLE CONSIDERATION HEARING  
JANUARY 2002 LIFER CALENDAR

CORRECTIONAL TRAINING FACILITY, SOLEDAD  
OCTOBER 29, 2001

Inmate Brice Glasgow, CDC# C-26529, was seen for a mental health evaluation for the Board of Prison Terms by J. Reed, Ph.D., Staff Psychologist at CTF, on 05/01/00 for the April 2000 Lifer Calendar.

According to the agreement that CDC psychologists made with the Board of Prison Terms, once a mental health evaluation is completed in the new format, revised in August 1998, a new evaluation is not necessary each time the inmate appears before the Board of Prison Terms.

Therefore, a mental health evaluation was not conducted at this time.

  
JEFF HOWLIN, Ed.D.  
Senior Supervising Staff Psychologist (A)  
CORRECTIONAL TRAINING FACILITY, SOLEDAD

JH/gmj

D: 10/29/01  
T: 10/29/01

PSYCHOLOGICAL EVALUATION FOR THE BOARD OF PRISON TERMS  
PAROLE CONSIDERATION HEARING  
APRIL 2000 LIFER CALENDAR

CORRECTIONAL TRAINING FACILITY, SOLEDAD  
MAY 1, 2000

This is a psychological evaluation for the Board of Prison Terms for inmate Brice Glasgow, CDC# C-26529. This report is based upon a personal clinical interview of the inmate, conducted on 05/01/00, as well as a review of his Central file and unit health record. This clinical interview and a review of all pertinent documents were for the express purpose of preparing this report.

I. IDENTIFYING INFORMATION:

Inmate Glasgow is a 59-year-old, divorced, African-American male. His date of birth is 04/23/41. His stated religious affiliation is Protestant. No obvious unusual physical characteristics were observed and he denied ever having used any nicknames or aliases.

II. DEVELOPMENTAL HISTORY:

He had no significant developmental history. He had no history of physical or sexual abuse as either a perpetrator or a victim.

III. EDUCATIONAL HISTORY:

Inmate Glasgow attended public school and completed the tenth grade. He said he received his GED in 1990 at CTF. He has no college credits. His records indicate a 1986, measured grade point level of 6.9 TABE. He has no history of special education or academic or behavioral problems in school. He has no current involvement or interest in educational activities.

IV. FAMILY HISTORY:

Inmate Glasgow said that there is no significant history of crime or drug abuse in his family. He generally described his current relationships with his family members as supportive and that there is no history of abuse.



GLASGOW, BRICE  
CDC NUMBER: C-26529  
BPT PSYCHOLOGICAL EVALUATION  
PAGE TWO

V. PSYCHOSEXUAL DEVELOPMENT AND SEXUAL ORIENTATION:

Inmate Glasgow is a heterosexual male. He denied any history of sexual aggression or high-risk sexual behavior.

VI. MARITAL HISTORY:

Inmate Glasgow stated that he has been married one time. His marriage began in 1980 and ended in 1984 due to incarceration-related problems. He generally described his current relationship with his ex-wife as supportive with no history of abuse. He acknowledged having one daughter who is now 21 years of age from his marriage. He generally described his current relationship with his daughter as supportive and that there is no history of abuse.

VII. MILITARY HISTORY:

The records indicate that this inmate has no military history.

VIII. EMPLOYMENT AND INCOME HISTORY:

Inmate Glasgow reported that his preincarceration work history includes working five years in construction and one year training as a barber. During his incarceration, he worked from 1985 until 1994 in PIA in fabric cutting and sewing. In 1994, he became certified in vocational print shop. From 1996 until the current date, he has worked in PIA in fabric cutting and sewing.

IX. SUBSTANCE ABUSE HISTORY:

Prior to his incarceration, inmate Glasgow acknowledged having abused heroin. He further stated that he has been abstinent for over 24 years. He reported that he has attended Alcoholics Anonymous and Narcotics Anonymous regularly from 1990 until the current date. This inmate does appear to have a drug abuse problem.

X. PSYCHIATRIC AND MEDICAL HISTORY:

This inmate has recent psychiatric diagnoses of Heroin Dependence, in institutional remission, and Antisocial

GLASGOW, BRICE  
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PAGE THREE

Personality Disorder, improved. He stated that in 1975 he attended a methadone treatment program, and after completing the program remaining abstinent from heroin for four to five years just prior to his current incarceration. He has no history of serious accident, including head injury. He has no history of suicidal behavior, or a history of seizure or other neurological conditions. This inmate does have hypertension and is currently receiving medication for this condition.

XI. PLANS IF GRANTED RELEASE:

If granted parole, this inmate plans to live in Santa Clara County with his brother, who has agreed to this arrangement. His financial and vocational plans include using his savings and working in the construction area in a job offered by his brother. This inmate's prognosis for community living appears to be good.

CLINICAL ASSESSMENT

XII. CURRENT MENTAL STATUS/TREATMENT NEEDS:

During the clinical interview, inmate Glasgow was alert and oriented to person, place and time. He was well dressed and groomed. His speech was articulate and contextually meaningful. His mood and affect were within normal limits and his behavior was appropriate to the setting. No evidence of a mood or thought disorder was demonstrated. His estimated level of intellectual functioning was approximately within the average range.

CURRENT DIAGNOSTIC IMPRESSIONS:

AXIS I: Heroin Dependence, in sustained full remission. ✓  
AXIS II: No Contributory Personality Disorder. ✓  
AXIS III: Hypertension.

In addition to attending his Alcoholics Anonymous and Narcotics Anonymous meetings, inmate Glasgow has attended a number of other self-help programs. In 1991, he complete the Life Skills group with Dr. Bakeman at CTF. In 1993, he completed one on one

GLASGOW, BRICE  
 CDC NUMBER: C-26529  
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counseling with Dr. Bakeman. In 1995, he completed the Science of Mind Foundation course, and from 1996 until 1997, he attended the Milatti Islamic Program for Addiction Recovery.

#### XIII. REVIEW OF LIFE CRIME:

Inmate Glasgow said that he killed the victim with the victim's own gun, purely in self-defense. He said that he had previously been attacked by the victim and some of the victim's friends. At the time of the instant offense, the inmate recalled that he was surprised and attacked by the victim at the home of the inmate's niece. He further noted that he was very afraid of the victim because of beatings suffered by him from the victim on the two previous occasions. Inmate Glasgow did acknowledge the damage done to the victim and to his niece, who was also injured during the instant offense. He did note that he has sent support money to his now-deceased niece's children. This inmate did appear to have good insight into the causative factors related to the instant offense.

#### XIV. ASSESSMENT OF DANGEROUSNESS:

- A. His violence potential within a controlled setting is considered to be below average to significantly below average relative to this Level II inmate population. This conclusion is based upon several factors.

On the one hand, inmate Glasgow had a juvenile criminal history involving numerous arrests, and he was committed to CYA on two occasions, once for Battery and Carrying a Concealed Weapon and once for Assault with a Deadly Weapon (a knife). His adult criminal history includes over 50 arrests with two convictions, one for Burglary and one for Shoplifting. He has three CDC-115 disciplinaries, the last received in 1999 for have gambling paraphernalia (gambling chips). He obtained two disciplinaries in 1993 for refusing a urine sample; these disciplinaries were received one day apart. He has also received four CDC-128s, the last received in 1999.

GLASGOW, BRICE  
CDC NUMBER: C-26529  
BPT PSYCHOLOGICAL EVALUATION  
PAGE FIVE

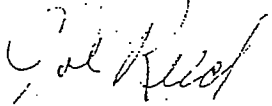
On the other hand, however, he has never received a disciplinary ~~for violent behavior during his 20~~ years of incarceration within CDC. He has also received only three significant disciplinaries (as noted above) during this period. He has no history of gang affiliation. No significant psychopathy was observed. He has also completed a number of self-help programs satisfactorily and continues to attend Alcoholics Anonymous programming. Additionally, he developed job skills, including vocational print shop and fabric cutting.

Therefore, in light of these factors, his violence potential is considered to be below average to significantly below average relative to this Level II inmate population.

- B. If released to the community, his violence potential ~~is considered to be no more than the~~ average citizen in the community.
- C. Heroin abuse is a risk factor which may be a precursor to violence for this individual.

XV. CLINICIAN OBSERVATIONS/COMMENTS/RECOMMENDATIONS:

- A. This inmate is competent and responsible for his behavior. He has the capacity to abide by institutional standards.
- B. This inmate does not have a mental disorder which would necessitate treatment either during his incarceration period or following upon parole.
- C. This inmate does appear to have a heroin abuse problem and continued attendance at Alcoholics Anonymous or Narcotics Anonymous is suggested both during his incarceration and as a contingency for parole.

  
JOE REED, Ph.D., J.D.  
Staff Psychologist  
Correctional Training Facility, Soledad

GLASGOW, BRICE  
CDC NUMBER: C-26529  
BPT PSYCHOLOGICAL EVALUATION  
PAGE SIX

*For [Signature]*  
STEVEN J. TERRINI, Ph.D.  
Senior Supervising Psychologist  
Correctional Training Facility, Soledad

JR/gmj

D: 03/03/00  
T: 03/04/00

PSYCHIATRIC EVALUATION FOR THE BOARD OF PRISON TERMS  
PAROLE CONSIDERATION HEARING  
FEBRUARY 1997 CALENDAR

CORRECTIONAL TRAINING FACILITY, SOLEDAD  
NOVEMBER 7, 1996

This is either the fifth or the sixth psychological evaluation for the Board of Prison Terms on inmate Brice Glasgow. This report is the product of a personal interview, conducted on 11/07/96, as well as a review of his Central file and his unit health record. This interview was a single contact with this inmate for the sole purpose of preparing this report.

Inmate Glasgow was convicted of a 1980 murder. He continues to report that he did not know that the victim was in the apartment that he visited on that particular night. He also continues to state that the victim was shot in self-defense. Asked for his thoughts and feelings regarding this crime, he stated that he now knows that other people were hurt by this crime; in particular, his and the victim's family. He said if he had to do it all over again, he would not be involved with drugs.

Regarding CDC-115 violations, his most recent violation was on 06/14/93 for disobeying a direct order to submit to a urine sample.

Regarding drugs and alcohol, he admits to a heroin problem in the past. He is currently participating in a recovery group in this institution. He has participated in one-on-one BPT therapy with Dr. Bruce Bakeman and also participated in Dr. Bakeman's "Life Skills" group in the past. Educationally, he completed his GED during his incarceration. Vocationally, he has experience in the print shop, at one point being in the lead position in that vocation. This inmate stated he gets regular visits from family members, including his brother, mother and fiancée. His plans, if paroled, include getting married to his fiancée and finding work either in the printing or construction fields.

MENTAL STATUS EXAMINATION: Inmate Glasgow is a 55-year-old, black male of average to large build who appears his stated age. His dress and grooming were appropriate. He was calm, alert and cooperative during the interview. His speech, affect and flow of thought were all normal. His intellectual functioning was estimated to be within the average range.

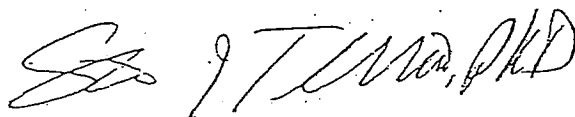
GLASGOW  
C-26529  
Page Two

DIAGNOSTIC IMPRESSIONS:

AXIS I: Heroin dependence, in institutional remission.  
AXIS II: Antisocial personality disorder, improved.  
AXIS III: High blood pressure.

CONCLUSIONS AND RECOMMENDATIONS:

- 1) This inmate is competent and responsible for his behavior. He has the capacity to abide by institutional standards and he has generally done so during his incarceration.
- 2) Regarding his violence potential, due to his maturity and sobriety, his violence potential is estimated to be somewhat below average relative to this inmate population.
- 3) Conditions of parole should include no alcohol nor illicit drugs and mandatory drug monitoring.
- 4) This inmate has no psychiatric condition that would suggest the need for any kind of mental health treatment at this time.

  
STEVEN J. TERRINI, Ph.D.  
Staff Psychologist  
Correctional Training Facility, Soledad



PSYCHIATRIC EVALUATION FOR THE BOARD OF PRISON TERMS  
PAROLE CONSIDERATION HEARING  
SEPTEMBER 1993 CALENDAR

CORRECTIONAL TRAINING FACILITY, SOLEDAD  
JUNE 17, 1993

This is the fourth psychiatric evaluation for the Board of Prison Terms on inmate Glasgow. This report is the product of a personal interview, as well as a review of his Central file and medical record.

He had no CDC 115s for a long period; but there is currently a CDC 115 pending from June 15, 1993, when he disobeyed an order to submit a urine sample for testing.

His crime consisted of the 1980 shooting of a man. He expressed regret for that incident. He has attained his GED educationally. Vocationally, he is now president of the print shop where he works. His future plans include moving to Santa Clara County to live and work in printing.

MENTAL STATUS EXAMINATION: Inmate Glasgow is a well developed, well nourished, muscular man who appeared to be his stated age of 52. He was appropriately dressed and groomed, and seemed to be relaxed and cooperative during the interview. His speech was of normal intensity, rate, inflection and quantity. His affect was normal and seemed appropriate to the content of his thought. His flow of thought was normal with no hallucinations nor delusions noted. He seemed to be fully oriented with normal intellectual functioning. His attention and concentration were good. His insight and judgment appear to be improving over that at the time of the shooting.

PSYCHIATRIC DIAGNOSIS: (DSM-III-R)

AXIS I: 304.00 - Heroin dependence, in institutional remission.  
AXIS II: 301.70 - Antisocial personality disorder, improved.  
AXIS III: High blood pressure.  
AXIS IV: Psychosocial stress - two (incarceration).  
AXIS V: Global assessment of functioning: current 90, past year 90.

PSYCHIATRIC CONCLUSIONS: His diagnosed psychopathology appears to be indirectly related to his offense. It was a contributing factor in the way he thought and acted at that time, but it did not specifically determine

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CTF-CENTRAL

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GLASGOW  
C-26529  
Page 2

his actions. He does not have a psychiatric condition which would benefit from mental health treatment following his release. He does appear to be showing improvement in his behavior, and if released, he should be able to maintain these gains, especially provided he avoids illicit drugs.

SUGGESTED ACTIONS: If he is to be continued in his present program, he should be encouraged to continue his attendance of Alcoholics Anonymous and to continue his vocational training in the printing trade. If he is considered for parole, his level of dangerousness should be no more than for the average inmate. Conditions for parole should include no alcohol nor illicit drugs.

RECOMMENDATION TO CLASSIFICATION COMMITTEE: Until released, he should:  
1) Continue to attend Alcoholics Anonymous. 2) Continue his vocational training in the printing trade.

*Bruce Bakeman Ph.D.*

BRUCE M. BAKEMAN, Ph.D.  
Clinical Psychologist  
Correctional Training Facility, Soledad

GLASGOW

C-26529

CTF-CENTRAL

07/12/93

gj

PSYCHIATRIC EVALUATION FOR THE BOARD OF PRISON TERMS  
JULY 1992 ISL CALENDAR

CORRECTIONAL TRAINING FACILITY, SOLEDAD  
JUNE 4, 1992

This is the third psychological evaluation for the Board of Prison Terms on inmate Brice Glasgow. He was seen for a 30 minute interview, including a review of his Central file and medical record, for the purpose of this evaluation.

His last psychiatric evaluation for the Board of Prison Terms in 1989 by Dr. Clyde Martin was positive. Despite a long criminal history, this inmate has been estimated to be below average in violence potential. He completed Dr. Bakeman's "Lifeskills" group in January of 1991. He is currently working in the print shop and is attending Alcoholics Anonymous meetings. He has not received any CDC 115s.

In describing his offense, he states that it was self-defense, and that the victim had severely beaten the inmate a year prior to the Life crime.

MENTAL STATUS EXAMINATION: This is a well developed, well nourished male who appears to be his stated age. He was neatly dressed and well groomed. He was relaxed and cooperative. His speech was normal. His affect was normal and appropriate. He denies any symptoms of depression, suicidal ideation, hallucinations, delusions or thought disorder. He was oriented and is not having any difficulty with his memory. His intellectual functioning is estimated to be in the average range. His attention and concentration are good. His insight and self-understanding are good. He appears to have a clear understanding of the causative factors related to his offense. His emotional stability is currently much improved. He appears to be sincere about his rehabilitation. His judgment for hypothetical situations indicates that his problem solving ability is good. He shows an ability to cooperate with authority during an emergency situation and has a prosocial orientation. His solutions for moral dilemmas indicate an above average ability to understand the rights and responsibilities of himself and others.

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PSYCHIATRIC DIAGNOSIS:

AXIS I: 304.00 - Heroin dependence, in institutional remission.  
AXIS II: 301.70 - Antisocial personality disorder, improved.  
AXIS III: High blood pressure, per inmate.  
AXIS IV: Two - mild.  
AXIS V: GAF is currently 90, and GAF for the past year has been 90.

PSYCHIATRIC CONCLUSIONS: There is no significant relationship between the above diagnosed psychopathology and the offense. During observation in the institution, he has psychiatrically improved moderately due to the effects of maturity and enforced sobriety. In a less controlled setting, such as a return to the community, this inmate is considered likely to hold his present gains if he continues to abstain from drugs. His violence potential outside of a controlled setting in the past is considered to have been less than average, and at present is decreased. Conditions of parole should include drug monitoring, attendance at Narcotics Anonymous meetings or other similar rehabilitation program, and close supervision. If he is not paroled or released, he should continue with his present rehabilitation program as continued benefit is likely.




RONALD KITT, Ph.D.  
Clinical Psychologist  
Correctional Training Facility, Soledad

PSYCHIATRIC EVALUATION FOR THE BOARD OF PRISON TERMS  
JULY 1989 CALENDARCORRECTIONAL TRAINING FACILITY, SOLEDAD  
APRIL 3, 1989

This is the second psychiatric evaluation for the Board of Prison Terms on Mr. Glasgow and is based on a 30-minute interview and a review of the Central file. The inmate had heroin addiction and was receiving methadone on the outside. A previous psychiatric report indicated heroin addiction and antisocial personality.

**MENTAL STATUS EXAMINATION:** The patient is a well developed, well nourished, muscular individual who appears his stated age. He was neatly dressed and well groomed. He was mildly tense. He was cooperative. His speech was of normal intensity, rate and inflection and he was spontaneous. His affect was normal. His thought content was appropriate to affect. His flow of thought was normal. He denies depressive or suicidal ideation. He has normal associations of thought. He is oriented as to time, place and person. His memory is intact. His intellectual functioning was not estimated. His attention and concentration were good. He has some insight and fair judgment at this point. He is currently remaining disciplinary-free and has a good work history. He seems to understand the causative factors of his crime, has some good self-understanding, positive attitudes for change, and good social identification. His sincerity for rehabilitation seems to be good.

**PSYCHIATRIC CONCLUSIONS:** The diagnosed psychopathology is only indirectly related to the crime. It predisposed to it, but did not determine it. Psychiatically, he has improved moderately while in the institution. In a less controlled setting, such as a return to the community, the inmate is likely to continue the present gains if he does not return to his addiction. If not paroled, it is recommended that he be continued in his present rehabilitation program. If paroled, his potential for violence is probably less than that of the average inmate unless he returns to his addiction, at which time it would be greater. Any conditions for parole should include drug and alcohol counseling and testing, and close supervision. I have no other recommendations.

  
CLYDE V. MARTIN, M.D., F.A.P.A.  
Staff Psychiatrist  
Correctional Training Facility, Soledad

GLASGOW

C-26529

CTF-CENTRAL

04/10/89

gj

PSYCHIATRIC EVALUATION FOR THE BOARD OF PRISON TERMS  
JULY 1986 CALENDARCORRECTIONAL TRAINING FACILITY, SOLEDAD  
MAY 9, 1986

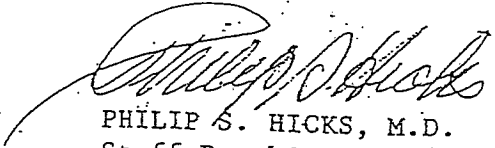
This is the first psychiatric report to the Board of Prison Terms for this 45 year old black male serving a sentence for Murder First from Santa Clara County.

This report is based upon a review of the inmate's Central File and an interview of half an hour. The subject was born in Prescott, Arizona and moved with his family to California at age 3. He dropped out of school in the 11th grade and has been a construction laborer since that time, working sporadically. From his early 20's until the age of 36 he was a heroin addict. He stopped by himself when he "grew up". He had four felony convictions prior to the instant offense but no prior prison sentences (for theft, burglary, NSF). He is reluctant to discuss the details of the instant offense as he has it on appeal since his niece, one of the victims, was convicted of perjury for her testimony in his trial. The subject is married and has a nine year old child. He is currently employed in textiles at CTF and is housed at CTF-Central. He has mild hypertension which is controlled with Aldomet and Dyazine. He sustained head injuries during assaults connected with the instant offense and had three convulsive seizures later and glaucoma, traumatic type, which has improved. He has no CDC-115's since incarceration and no significant problems during incarceration.

MENTAL STATUS EXAMINATION: Is unremarkable. He is in good contact and fully oriented, without thought or mood disorder. Intellect is average. Memory is grossly normal and there are no overt signs of organicity. Insight and judgment are intact. He does not appear to have antisocial attitudes at the present time.

PSYCHIATRIC DIAGNOSIS: Axis I: Heroin Dependence, by history.  
Axis II: Antisocial Personality Disorder, Improved.

PSYCHIATRIC RECOMMENDATION: I can make no observations about the instant offense as the subject has it in appeal. He has a long history of criminal behavior, primarily associated with his drug dependence of many years. There is little evidence of prior violent behavior. He appears to have matured and "grown up", as he puts it, since incarceration. His disciplinary record supports this hypothesis. He does not appear to be in need of psychiatric treatment or vocational training.



PHILIP S. HICKS, M.D.  
Staff Psychiatrist

GLASGOW

C-26529

CTF-CENTRAL

5/9/86

da

# **EXHIBIT 11**

**ORIGINAL**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

**FILED**

JAN 25 2007

MICHAEL J. YERLY, Clerk

By

DEPUTY

In re BRICE GLASGOW,  
on Habeas Corpus.

H030793  
(Santa Clara County  
Super. Ct. No. 75071)

BY THE COURT:

The petition for writ of habeas corpus is denied.

(Bamattre-Manoukian, Acting P.J., Mihara, J., and McAdams, J.,  
participated in this decision.)

Dated JAN 25 2007Bamattre Manoukian Acting P.J.

## **EXHIBIT 12**



**S150130**

IN THE SUPREME COURT OF THE  
STATE OF CALIFORNIA

In re

BRICE GLASGOW

On Habeas Corpus.

Sixth Appellate District  
Court of Appeal,

Case No. H030793

(Santa Clara County  
Superior Court No. 75071.)

**SUPREME COURT  
FILED**

FEB 13 2007

**Frederick K. Ohlrich Clerk**

**DEPUTY**

PETITION FOR REVIEW

Brice Glasgow  
C-26529

CORRECTIONAL TRAINING FACILITY  
P. O. Box 689  
Soledad, CA 93960-0689

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

**S150130**

In re:

Brice Glasgow

Petitioner,

On Habeas Corpus

No. \_\_\_\_\_

Court of Appeal No. H030793

PETITION FOR REVIEW

TO THE HONORABLE RONALD M. GEORGE, CHIEF JUSTICE, AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE STATE OF CALIFORNIA:

Petitioner Brice Glasgow hereby petitions this Court for review following the decision of the Court of Appeal Sixth Appellant District, filed January 25, 2007 denying the Petition for Writ of Habeas Corpus. A copy of the decision is attached hereto as Exhibit "A".

QUESTION PRESENTED

1. Does the Board decision violate Petitioner's right to due process because the reasons are not supported by the Board, and effectively resentence Petitioner.

2. Does the Board's decision violate Petitioner's due process because there is no evidence that indicates Petitioner's release unreasonable endangers public safety?

3. Does the Board violate Petitioner's due process when the Superior Court does not show Relevant and Reliable Evidence that Petitioner is a current threat to public safety.

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**RECEIVED**

FEB 8 - 2007

CLERK SUPREME COURT

NECESSITY OF REVIEW

A grant of review and resolution of these issues by this Court are necessary to secure uniformity of decision and to settle important questions of law. The need for uniformity of decision is demonstrated by a comparison for this case with the factually similar in *In re Ramirez* (2002) 94 Cal. App. 4th 549 and *Biggs v. Terhune* (9th Cir. 2003) 334 F. 3d 910, which both resulted in court findings opposite to what the Court decisions in Petitioner's case. Petitioner submits that viewing these cases together demonstrates a lack of uniformity in application of the due process/egual protection standard of the 5th & 14th amendment of the U.S. Constitution. The decision by the court of appeal in this case conflicts with other cases concerning crimes of murder and the due process standard set out by the Ninth Circuit Court of Appeals in *Biggs v. Terhune* (2003) 334 F.3d 910. This case also provides the Court with an opportunity to decide if by denying parole to 98% of appearing prisoners, the Board is following the mandate of penal code section 3041 (a) that parole "shall normally" be granted, as this court mandated in *In re Rosenkrantz*, supra, at 683, or does the Board's repeated denials of parole to 98% of appearing inmates reflect their factual bias against parole? And does the Executive Branch, past and present Governors refusal to adhere to the mandate that parole "shall normally" be granted futher reflect an illegal policy in violation of the mandate of penal code section 3041 (a)?

In summary, Petitioner respectfully submits that in the instant matter, there is not "some evidence" having an "indicia of reliability" to support each of the Board's findings required by

1 the United States Constitution, Fifth and Fourteenth Amendments,  
2 the California Constitution, Article I section 15, and Biggs v.  
3 Terhune supra, (9th Cir 2003) 334 F. 3d 910.

4 ARGUMENT

5 On November 2, 2005, Petitioner appeared before the Board of  
6 Prison Terms and was again found unsuitable for parole after  
7 serving more than 18 actual years, without the benefit of good  
8 time credits, based on unchanging factors, i.e., the circumstances  
9 of the offense, prior history. Petitioner received a 1 year denial.

10 On September 13, 2006, the Los Angeles Superior Court denied  
11 Petitioner's petition for the issuance of a writ of habeas corpus.  
12 (See Exhibit "B", attached hereto) Petitioner then filed a petition  
13 for writ of habeas corpus in the Sixth Appellant District. On  
14 January 25, 2007, that Court denied the Petition. (See Exhibit "A",  
15 attached hereto). On February 6, 2007, under the Mailbox Rule,  
16 Petitioner delivered to prison officials, the instant petition for  
17 review. The petition for review is timely.

18 The Board's Decision To Deny Parole Was Not Supported By Evidence  
19 Having An "Indicia Of Reliability" That Petitioner Is Currently  
An Unreasonable Risk or Threat To Society.

20 In Biggs, v. Terhune, supra, at p. 914 the Ninth Circuit Court of  
21 Appeals held that "[b]ecause the California parole scheme [Penal  
22 Code § 3041 (b))] vests in every inmate a constitutionally  
23 protected liberty interest protected by the procedural safeguards  
24 of the Due Process Clause, 'some evidence' having an 'indicia of  
25 reliability' must underly every Board decision." The Biggs Court  
26 then proceeded to establish a Federal standard for the California  
27 Board of Prison Terms to follow when assessing the facts before it  
28 during a parole consideration hearing. Biggs 334 F. 3d at 919

1 concludes that although a commitment offense can provide some  
2 evidence to justify the initial denial of a parole date, subsequent  
3 denials in the face of exemplary behavior and overwhelming evidence  
4 of rehabilitation raises serious questions involving Petitioner's  
5 liberty interest in parole. Petitioner submits the Board's  
6 refusals to grant a parole date and repeated failure to provide  
7 post-commitment support for its decisions have violated  
8 petitioner's liberty interest and due process rights. And the time  
9 already served is in gross excess of the established guidelines  
10 [Matrix, 15, CCR § 2403 (c)], for Petitioner's commitment offense,  
11 and for the Board to continue to incarcerate Petitioner is a clear  
12 violation of his Federal Due Process Rights.

13 Petitioner submits the mandatory language of P.C. § 3041 (b)  
14 imposes an affirmative obligation by the Board to grant parole,  
15 which presumption that parole release will be granted if certain  
16 conditions are met. McQuillion v. Duncan (9th Cir. 2002) 306 F. 3d  
17 895, 901-902; Biggs v. Terhune (9th Cir. 2003) 334 F 3d 910.  
18 Petitioner submits he has met those conditions.

19 Petitioner respectfully submits that in accordance with the  
20 recently announced Federal standard, this Court should grant review  
21 to come into compliance with Federal law.

22 The Board of Parole Hearing Has An Anti-Parole Policy Or Policy  
23 Of Demonstrating Systematic Bias, Or Policy Of Underinclusion In  
24 Their Decision Making By Denying Grants To Parole To 98% Of  
25 Appearing Inmates. To The "Shall Normally" Grant Parole As  
26 Mandated By The Legislature When It Enacted Penal Code Section  
27 3041 (a).

26 Petitioner respectfully submits that a review of the available  
27 state government statistical data, which can be provided if  
28 requested, will demonstrate the Boards, past and present, denied

1 parole to 99% to prisoners in violation of penal code section 3041  
2 (a), as this court mandated in In re Rosenkrantz, supra, 29 Cal.  
3 4th at 6893, in violation of the recently announced Federal  
4 standard set out by the Ninth Circuit Court of Appeals in Biggs v.  
5 Terhune, supra, at 916-917.

6 In this case, Petitioner submits the Board affected its desired  
7 result by "simply identifying 'some evidence' from the record to  
8 support [the] desired result," ignoring the principles outlined in  
9 In re Ramirez, supra, at P. 536-564 and 571, and Biggs supra, at  
10 pp. 916-917. These facts do not and can not demonstrate that  
11 Petitioner is currently an unreasonable threat to public safety if  
12 released. The hearing was a sham and a farce.

13 Petitioner submits he did not receive a fair parole hearing  
14 because the hearing results reflect the Board's systematic bias  
15 against granting parole. The hearing was adjudicated in pro  
16 forma, violating Petitioner's state and federal due process rights,  
17 depriving petitioner of his federally protected liberty interest of  
18 due process and equal protection under the fifth and fourteenth  
19 amendments of the U.S. Constitutions and similar provisions under  
20 the California Constitution and equal protection, to be released on  
21 parole.

#### 22 CONCLUSION

23 For the above reasons, Petitioner respectfully submits this court  
24 grant review, to insure uniformity of decision making as mandated  
25 in In re Ramirez, supra, and this court in In re Rosenkrantz,  
26 supra, and the Ninth Circuit Court of Appeals standard set out in  
27 Biggs v. Terhune supra.

28 Date: 2/6/07

Respectfully Submitted;  
*Mr. Brice Glasgow*  
Brice Glasgow



**EXHIBIT "A"**

COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

FILED

JAN 25 2007

MICHAEL J. YERLY, Clerk

In re BRICE GLASGOW,  
on Habeas Corpus.

H030793  
(Santa Clara County  
Super. Ct. No. 75071)

By \_\_\_\_\_ DEPUTY

BY THE COURT:

The petition for writ of habeas corpus is denied.

(Bamattre-Manoukian, Acting P.J., Mihara, J., and McAdams, J.,  
participated in this decision.)

Dated JAN 25 2007 BAMATTRE-MANOUKIAN, J. Acting P.J.



**EXHIBIT "B"**

**FILED**

SEP 13 2006

KIRI TORRE  
Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara  
BY [Signature] DEPUTY

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

In re

BRICE GLASGOW,

On Habeas Corpus

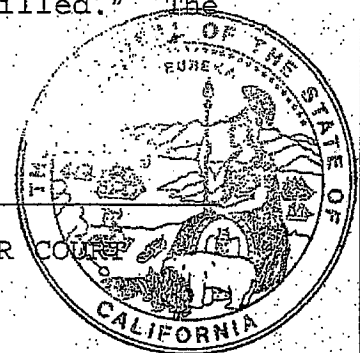
No.: 75071

ORDER


Pursuant to *In re Dannenberg* (2005) 34 Cal.4th 1061 parole can be denied if any one of several broadly interpreted, and extremely deferentially reviewed, unsuitability factors are present. In this case "multiple victims were attacked, injured or killed." The habeas petition is DENIED.

DATED: 13 Sep, 2006

[Signature]  
PAUL BERNAL  
JUDGE OF THE SUPERIOR COURT



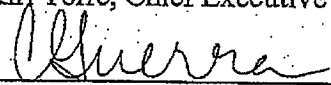
cc: Petitioner  
Attorney General  
Research (A)  
CJIC

IN THE SUPERIOR COURT OF CALIFORNIA IN AND FOR THE COUNTY OF SANTA CLARA		<b>FILED</b> SEP 13 2006 KIRI TORRE Chief Executive Officer/Clerk Superior Court of CA County of Santa Clara BY  DEPUTY
Plaintiff/Petitioner Brice Glasgow		
In re: People vs. Glasgow		
PROOF OF SERVICE OF: Order in re: Habeas Corpus		Case Number: 75071

CLERK'S CERTIFICATE OF MAILING: I certify that I am not a party to this cause and that a true copy of this document was mailed first class postage fully prepaid in a sealed envelope addressed as shown below and the document was mailed at SAN JOSE, CALIFORNIA on SEP 13 2006. I declare under penalty of perjury that the foregoing is true and correct.

DATED: SEP 13 2006

Kiri Torre, Chief Executive Officer

  
 BY: Catherine Guerra, Deputy Clerk

Brice Glasgow #C-26529 P.O. Box 689 Soledad, CA 93960-0689	Research Attorney Criminal Division 190 W. Hedding Street San Jose, CA 95110 *Placed in Research Attorney pick up box at HOJ
	Office of the District Attorney 70 West Hedding Street San Jose, CA 95110 *Placed in District Attorney pick up box at HOJ
	CJIC

Proof of service  
Clerk's Certificate of Service

**PROOF OF SERVICE BY MAIL**  
**BY PERSON IN STATE CUSTODY**  
(C.C.P. §§ 1013(A), 2015,5)

I, Brice Glasgow, declare:

I am over 18 years of age and I am party to this action. I am a resident of CORRECTIONAL TRAINING FACILITY prison, in the County of Monterrey, State of California. My prison address is:

Brice Glasgow, CDCR #: C-26529  
CORRECTIONAL TRAINING FACILITY  
P.O. BOX 689, CELL #:  
SOLEDAD, CA 93960-0689.

On February 6, 2007, I served the attached:

Petition for Review

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope (verified by prison staff), with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named institution in which I am presently confined. The envelope was addressed as follows:

Supreme Court of California  
350 McAllister St.  
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 2/6/07.

Mr. Brice Glasgow

Declarant

*Glasgow, Brice* **COPY**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

Court of Appeal - Sixth App. Dist.  
**FILED**

**JAN 25 2007**

MICHAEL J. YERLY, Clerk

By DEPUTY

In re BRICE GLASGOW,  
on Habeas Corpus.

H030793  
(Santa Clara County  
Super. Ct. No. 75071)

BY THE COURT:

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(Bamattre-Manoukian, Acting P.J., Mihara, J., and McAdams, J.,  
participated in this decision.)

Dated JAN 25 2007

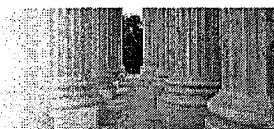
BAMATTRE-MANOUKIAN, J.

Acting P.J.

**EXHIBIT 13**

# CALIFORNIA APPELLATE COURTS

## Case Information



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### Supreme Court

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### Case Summary

**Supreme Court Case:** S150130  
**Court of Appeal Case(s):** Sixth Appellate District  
H030793  
**Case Caption:** GLASGOW (BRICE) ON H.C.  
**Case Category:** Review - Habeas (criminal)  
**Start Date:** 02/08/2007  
**Case Status:** closed  
**Issues:** none  
**Disposition Date:** 04/25/2007  
**Case Citation:** none

### Cross Referenced Cases

No Cross Referenced Cases Found

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